

954.07

G 979 H
v.2

Form 1

PANJAB
UNIVERSITY
LIBRARY

Call No. 954.07.....

...G.979.H....
v.2

HISTORY OF SIKH STRUGGLES

Volume II

Dr. Gurmit Singh



ATLANTIC PUBLISHERS & DISTRIBUTORS

Published by
ATLANTIC PUBLISHERS AND DISTRIBUTORS
B-2, Vishal Enclave, New Delhi - 27
Phone: 5413460

Sales office
4215/1, Ansari Road, Darya Ganj
New Delhi - 110002
Phone : 3273880

954.07

G 979 H Y.2

Copyright © The Publishers, 1991

*No part of this book may be reproduced
in any form without permission from the
publisher, except for the quotation of
brief passages in criticism.*

P U LIBRARY CHANDIGARH

Rec. No. 529659
Date 13.3.91... Depit. REF.
Source Narendra, Delhi
Price Rs.135/- Asslt. 1/-
F. 3 Vol. 5. Offset at

APD Computer Graphics
B-2, Vishal Enclave, N. Delhi - 27

*Printed in India at
Mehra Offset Press
New Delhi*

Contents

<i>Preface</i>	v
1. Struggle for Completion	1
2. Towards Autonomy	20
3. Save Democracy Campaign	32
4. The Nirankari Episode	46
5. The Thunder-Bolt	56
6. Dharam Yudh	73
7. The Gulf Widens	89
<i>Appendices</i>	
Appendix 1 – Population Tables	101
Appendix 2 – Distribution of Sikhs	108
Appendix 3 – Politics of Punjab Economics	117
Appendix 4 – Crisis in Sikh Leadership	123
Appendix 5 – Causes of Hindu-Sikh Tension	133
Appendix 6 – Important Resolutions	138
Appendix 7 – Communist Party Memorandum	146
Appendix 8 – Sant Fateh Singh's Speech	151
Appendix 9 – Nirankari Sikhs	154
Appendix 10 – S.G.P.C. White Paper On Nirankari Episode	158
Appendix 11 – Report on Nirankari-Sikh Clash at Kanpur	181
Appendix 12 – Singh Sahib Harbhajan Singh Yogi on Nirankari Episode	189
Appendix 13 – Martyrs of Baisakhi 1978	193
Appendix 14 – Nirankari Samagam at Delhi	197
Appendix 15 – Lala Jagat Narain's Statement in Nirankari Case	200

Appendix 16 – Akali Demands	206
✓ Appendix 17 – Akali Demands and Government Response	210
Appendix 18 – Punjab's Claim on Chandigarh	227
Appendix 19 – Chandigarh – A Case for Punjab	233
✓ Appendix 20 – Venkataramiah Commission Report	245
✓ Appendix 21 – Srinagar Declaration on Centre-State Relations	249
✓ Appendix 22 – Anandpur Sahib Resolution	258
✓ Appendix 23 – The Ludhiana Resolution (1978)	266
✓ Appendix 24 – Akalis' Memorandum to the Sarkaria Commission	268
✓ Appendix 25 – Home Minister's Statement	275
Appendix 26 – Notification Declaring 'National Council of Khalistan' Unlawful	281
Appendix 27 – Sant Harchand Singh's Letter to Members of Parliament	282
Appendix 28 – Khushwant Singh's Speech on Punjab Situation	287
Appendix 29 – Calender of Meetings Between Akalis and the Government	290
Appendix 30 – R.S.S. Resolutions on Punjab Problem	298
Appendix 31 – Khushwant On Punjab Situation	305
Appendix 32 – Riots in Yamunanagar	309
Appendix 33 – Complaint Against Bhajan Lal	311
Appendix 34 – The Third Agency	316
Appendix 35 – Raw's Hand in Punjab	324
Appendix 36 – Khushwant Singh's Speech on Fake Police Encounters	328
Appendix 37 – Ladha Kothi Torture Cell	332
Appendix 38 – Covenant on Economic, Social and Cultural Rights	340
Appendix 39 – U.N.O.'s Declaration on Independence	352
Appendix 40 – U.N.O.'s Declaration on Self-Determination of Peoples	355
Appendix 41 – Covenant on Civil and Political Rights	358
Appendix 42 – Protocol on Civil and Political Rights	378
Appendix 43 – American Convention on Human Rights	382
Appendix 44 – United Nations Declaration on Human Rights	396
Index	403

Preface to Volume II

This is the second volume of my book 'History of Sikh Struggles', the first volume of which was published a few months ago.

The first volume contained a brief history of the Sikh movement from the start of Sikhism, with a somewhat detailed study of Sikh struggles during the period from 1946 to 1966. The present volume takes up the thread from where it was left at the end of the first volume and covers the history of Sikh struggles from 1966 to the middle of 1984, i.e. upto start of Operation Blue Star.

In the Preface to the first volume, it was pointed out that in view of the fact that the number of documents relating to the current history of the Sikh movement was very large, the book would be published in two volumes, so that at least the more important of the documents could be included in the book. But, on a closer look at the documents relating to the post-1966 period (upto 1990), it was found that their number was so large that it was impossible to put them together in one volume, if the corpus of the volume was to be kept within manageable limits. Therefore, the period from 1966 to date has had to be split up into three parts: one from 1966 to middle of 1984 and the other from 1984 to 1987. Thus, the book will now cover four volumes. The third volume, it may be hoped, will see the light of day in the near future, since all the important documents, statements etc. relating to this period have already been collected and sorted out.

Like the first volume, the present volume, too, has been divided into two parts: the first part contains, in a narrative form and chronological order, the history of the Sikh struggles carried on by the Sikh nation during the period in question, while the second part contains a large number of important documents relating to this history. These documents were lying scattered and some of them were not easily available or even traceable. Therefore, a tremendous amount of persistent labour – labour born out of devotion to a sacred cause – had to be put in for collecting the very large number of documents and then selecting the more relevant and more important of them and, lastly, putting them in some order.

In the writing of the narrative portion, I have tried my best to remain as impartial and objective as is humanly possible.

The period of 17-18 years covered by the present volume is the most crucial period in the history of the Sikhs during the last 45 years. The period is a turning point – it has completely changed the thinking of the Sikhs; it has almost forced them to have a clearer and a more definite perception of their goals. Before 1966, the Sikh leaders tried to have their minimum demands conceded by the Indian (*i.e.* the Hindu) leaders (or, better still, rulers), and they did not go beyond peaceful and constitutional means to achieve their object. But even their moderate and most reasonable and legitimate demands were rejected by the rulers out of hand or the issues were side-tracked. As a matter of fact, all sorts of efforts were made by them to engulf the Sikhs (together with their religion and culture etc.) in the large mass of the Hindu nation and Hindu religion and culture. The Sikhs found to their dismay and horror that instead of winning sovereignty in a homeland of their own, or at least an honourable place in the country, their very identity was being sought to be wiped out. Thus, during the period in question, the Sikhs found themselves pushed to the wall and, consequently, they were forced to take to militancy in order to save their identity and achieve their final goal (the Sikh homeland). They have fully realized that without achieving this goal it would be impossible for them to keep their identity intact and to safeguard their religion, culture, history and all that. The facts narrated in the volume will speak for themselves: let the reader find out for himself how and by whom the present situation has been created.

The situation in which the Sikhs found themselves in or around the year 1966 was (and continues to be – even now) quite similar to the situation that was created for them by the Mughal power. It was in that situation that the Tenth Master had to pronounce:

“When all legitimate means fail, then it is justified to unsheathe the sword.”

The present-day Sikh psyche and militancy should be looked at and judged keeping in view the above precedent.

* * * * *

I must express my grateful thanks to Shri Bal Krishna, former Secretary, Publication Bureau, Punjab University, Chandigarh, who very kindly extended his expertise in polishing the manuscript. Without his active and dedicated co-operation it would not have been pos-

sible for me to complete this voluminous work, and give it its present shape. I am also indebted to my wife, Mrs. Amrita Lali, who extended full cooperation to me enabling me to devote enough time to the writing of this book. I am also thankful to Mr. Puran Singh Hundal and Sardar Ajit Singh Sarhadi, Advocates of Punjab & Haryana High Court, Chandigarh, who lent me copies of some legal documents for reference.

(Dr.) GURMIT SINGH
Advocate

Chapter 1

Struggle for Completion

On the 28th September, 1965, Shri Gulzari Lal Nanda, the then Home Minister of India, announced in the Lok Sabha, the formation of a Parliamentary Committee under the Chairmanship of the Speaker, S. Hukam Singh, to examine the feasibility of formation of the Punjabi Suba. The Committee submitted its report on the 18th March, 1966, recommending that Punjabi-speaking region, formed under the Punjab Regional Committees Order, 1957, be reconstituted into a unilingual Punjabi State, the Hindi-speaking region be formed into Haryana State and the hill areas of the erstwhile Punjab be merged with Himachal Pradesh. It further recommended that for adjustment of boundaries between the three states, a Committee of experts be set up immediately.

The Government of India accepted the recommendations of this Parliamentary Committee on the 21st March, 1966 and announced in the Lok Sabha that it had decided to accept, in principle, the reorganisation of the existing State of Punjab on linguistic basis.

On the 17th April, 1966, the Union Home Minister announced the appointment of a Boundary Commission under the Chairmanship of Justice J. C. Shah of the Supreme Court. The other two members of this Commission were Mr. S. Dutt and Mr. M. M. Philip. The terms of reference of this Commission were as under:

"The Commission shall apply the linguistic principle with due regard to the Census of 1961 and other relevant considerations. The Commission may also take into account such other factors as administrative convenience and facility of communications, and will ordinarily ensure that the adjustments they may recommend do not involve the breaking of existing Tehsils."

The Sikhs protested against making 1961 Census as the basis of reorganisation because, during that Census, Hindus had disowned their mother-tongue Punjabi under communal influence. According to Asha Bhatnagar "the reference to the Shah Commission was loaded heavily against Punjab. Making the 1961 Census as the basis and the Tehsil (instead of village) as the unit was a deliberate design to punish the Sikhs. The language returns in the 1961 Census were on communal lines when Punjabi-speaking Hindus falsely declared Hindi as their language. Therefore, the demarcation had to be on communal rather than on a linguistic basis."¹

Master Tara Singh declared boycott of the proceedings of the Commission. The Chief Khalsa Diwan also denounced these terms of reference. Its press note stated: "After the 1961 Census, the then Prime Minister of India had condemned its language recordings as 'false and unreliable'. What an irony of fate that in the terms of reference the present Home Minister should ask the Commission to give due regard to these figures."²

S. Kapur Singh, speaking in the Lok Sabha on the subject, declared: "The 1961 Census figures on language in Punjab reflect the power relations between Hindus and Sikhs, and do not reflect the numbers of Hindi-speaking and Punjabi-speaking groups. No special pleading or casuistry can obliterate this fundamental fact. These figures of 1961 Census do not relate to linguistic groups, but they relate to communal groups."³ However, the Shah Commission submitted its report in due course and a Bill relating to the reorganisation of Punjab was placed by the Central Government before the Parliament, largely on the basis of the recommendations of the Commission. This Bill, named the 'Punjab Reorganisation Bill (1966)' received the President's assent on the 18th September, 1966, and it was enforced w.e.f. the 1st November, 1966.

As a result of this Punjab Reorganisation Act (1966), a new State to be known as the State of Haryana came into existence, comprising the following territories⁴ of the erstwhile State of Punjab, namely:

- (a) Hissar, Rohtak, Gurgaon, Karnal and Mohindergarh districts;
- (b) Narwana and Jind tehsils of Sangrur district;
- (c) Ambala, Jagadhari and Naraingarh tehsils of Ambala district;

- (d) Pinjore Kanungo circle of Kharar tehsil of Ambala district; and
- (e) The territories in Manimajra Kanungo circle of Kharar tehsil of Ambala district.

Similarly, a new Union Territory to be known as the Union Territory of Chandigarh comprising Chandigarh city and some of the territories of Mani Majra and Manauli Kanungo circles of Kharar Tehsil of Ambala district⁵ also came into existence w.e.f. the 1st November, 1966.

To the then Union Territory of Himachal Pradesh the following territories of Punjab were transferred⁶, namely:

- (a) Simla, Kangra, Kulu and Lahaul and Spiti districts;
- (b) Nalagarh tehsil of Ambala district;
- (c) Lohara, Amb and Una Kanungo circles of Una tehsil of Hoshiarpur district;
- (d) The territories in Santokhgarh Kanungo circle of Una tehsil of Hoshiarpur district;
- (e) The territories in Una tehsil of Hoshiarpur district;
- (f) The territories of Dhar Kalan Kanungo circle of Pathankot tehsil of Gurdaspur district.

Haryana consisted of 16,835 square miles and 7.53 million people (with only 5 per cent of Sikhs), and thus the area of the new Punjab was reduced to just 20,254 square miles and 11.58 million population, out of whom 56 per cent were Sikhs. The other parts excluded from Punjab comprised 10,215 square miles and 1.2 million people, Sikhs constituting only 2 per cent of population of this area.

To conveniently enforce the boundaries of the new States, President's rule was imposed in Punjab with a senior I. C. S. Officer, Mr. Dharam Vir, as its Governor. However, after the formation of the new States, popular Governments were installed. Gurmukh Singh Musafir replaced Ram Kishan as Chief Minister of Punjab, while Bhagwat Dyal Sharma and Dr. Parmar became the Chief Ministers of Haryana and Himachal Pradesh, respectively.

The provisions of the Act, however, created great resentment amongst the Sikhs, mainly for the following four reasons:

- (1) Chandigarh, which was built as the Capital of the erst-

- while Punjab was snatched away from the reorganised State of Punjab;
- (2) Several Punjabi-Speaking areas were excluded from the new Punjab and included in Haryana or Himachal Pradesh;
 - (3) Several common links were retained between the States of Punjab and Haryana. For example, both the States were to have a common Governor, a common High Court, and common Electricity Board, Financial Corporation, Housing Corporation etc. It was strongly felt that this provision diluted the status and dignity of Punjab as a State;
 - (4) The Bhakra and Beas Projects were taken over by the Centre, although their headworks were located in Punjab.

When the recommendations of the Shah Commission came to be known, the Sikhs felt deeply hurt. They felt that grave injustice had been done by the Commission to Punjab. The Sikhs found that the terms of reference had been used by the commission in an arbitrary manner to the disadvantage of Punjab and for the benefit of the proposed State of Haryana and of Himachal Pradesh. There was great resentment amongst the Sikhs in regard to the recommendations of the Commission. However, since the recommendations were not binding on the Central Government, the Sikhs hoped that justice would be given to them by the Centre when the Reorganisation Bill was prepared by it. But, as already pointed out, the Bill was largely based on the Commission's recommendations and thus the last hope of the Sikhs to get justice was dashed.

S. Kapur Singh, While speaking in the Lok Sabha on the State Reorganisation Bill on the 6th September, 1966, declared:

“On behalf of the Sikh people represented by the Shiromani Akali Dal, I reject the entire schemata of this Bill and oppose it.”

S. Kapur Singh further called upon the Government to solve the Punjab problem in the light of the Resolution of the Shiromani Akali Dal passed on the 20th July, 1966, which proclaimed:

“Sikhs resolve and proclaim their determination to resist,

through all legitimate means, all such attempts to devalue and liquidate the Sikh people in a free India, and consequently demand that the following steps should be taken forthwith by the rulers of India to assure and enable the Sikhs to live as respectable and equal citizens of the Union of India, namely,

Firstly, the Sikh areas deliberately and intentionally cut off and not included in the new Punjab to be set up, namely, the areas of Gurdaspur District including Dalhousie, Ambala District including Chandigarh, Pinjore, Kalka and Ambala Saddar, the entire Una Tehsil of Hoshiarpur District, the areas of Nalagarh, called Desh, the Tehsil of Sirsa, the Sub-tehsils of Tohana and Guhla and Rattia Block of District Hissar, Shahabad block of District Karnal and the contiguous portions of the Ganganagar District of Rajasthan must now be immediately included in the new proposed Punjab so as to bring all contiguous Sikh areas into an administrative unit, to the Sikh Homeland within the Union of India;

And, second, such a new Punjab should be granted an autonomous constitutional status on the analogy of the status of Jammu and Kashmir as was envisaged in the Constitution of India in the year 1950."

Sant Fateh Singh had gone abroad to tell the Sikhs living in various countries about his achievements. But when he returned to India in November, 1966, he found that the Sikhs were not happy about his absence from the scene at the crucial time when the boundaries of the Punjabi Suba (*i.e.* the Punjab State) were being demarcated. He, therefore, demanded immediate abolition of the common links, return of Chandigarh to Punjab, transfer to the new Punjab State of those Punjabi-speaking areas which had been left out of it, and handing over of the control of Bhakra and Beas Dam Projects to Punjab.

Sant Fateh Singh hoped that he would be able to get these demands conceded. He made efforts to reach an amicable settlement with the leaders of Haryana regarding the disputed areas, but his efforts failed. Then he approached the Prime Minister for intervention, but Smt. Indira Gandhi refused to reopen any of the issues.

The Sant was left with no alternative but to pursue the path of agitation. On the 10th November, 1966, he met the leaders of the Opposition parties of Punjab who assured him full cooperation in his proposed struggle.

On the 16th November, 1966, the Working Committee of the Akali Dal (Sant) appointed Sant Fateh Singh as dictator of the proposed agitation. The Sant detailed a task force of 75 Akalis to arouse public opinion throughout the State in support of his demands. This task force was to start from Gurdwara Manji Sahib in the Golden Temple complex and was to fan out in three directions, in batches of 25 each, visit a number of towns and villages, and ultimately converge on Kharar on the 4th December, 1966, and then enter Chandigarh on the next day for holding a mass demonstration. S. Mohan Singh Tur, S. Shiv Singh Jhawan and S. Dulla Singh Rodey were to lead the respective batches.

Seventy-five volunteers started from Amritsar on the 20th November, in three groups, in three different directions, but, before they could reach Kharar, they were arrested on the 3rd December, 1966. On the 5th December, 1966, the Akali Dal Working Committee gave a call for observing the 12th December as protest day. The Sant announced on that day that he would go on a fast from the 17th December, and if the demands were not accepted by the 27th Decemebr, and he survived till then, he would immolate himself on that day.

Master Tara Singh, who had been criticising Sant Fateh Singh for getting a truncated Punjabi Suba, changed his stance and declared his support for the Sant's fast. He said in a statement:

"I am in agreement with the Sant's demand for the abolition of common links and the inclusion of Punjabi-speaking areas in Punjab, besides Chandigarh and the Dam projects. In fact, I go a step further and demand an autonomous status for Punjab in order to provide a real homeland for the Sikhs."

The Sant, however, issued press statements clarifying that his demands were based on justice, and he was not a separatist. The two dates announced by the Sant had an emotional appeal for the Sikhs as they had historical significance. On the 17th December, Guru Tegh Bahadur, the ninth Guru of the Sikhs, had been executed in Delhi, while, on the 27th December, two sons of Guru Gobind Singh had been bricked alive in Sirhind.

The Master Akali Dal supported Sant Fateh Singh and provided covering fire by publically demanding Sikh Homeland since the Central Government was discriminating against the Sikhs. It held an All-India Akali Conference at Ludhiana on the 10th and 11th December, 1966, where it was stated *inter alia*:

"This communal and narrow-minded Government will never treat us as equals. We should understand clearly that there is no place for justice and equality for us in this country. Hence our lives, honour, property and even our religion are in danger. We shall have to firmly decide whether we have to live in Punjab as rulers or slaves."

As the date of self-immolation drew nearer the communal atmosphere in Punjab became surcharged. People from villages started pouring into the Golden Temple complex to see the Havan-kunds erected on the top floor of the holy Akal Takht for self-immolation by the Sant and his colleagues. The Prime Minister and the Home Minister appealed to the Sant to give up his fast. Communal tension between Hindus and Sikhs increased when an Arya Samajist Hindu saint, Yogiraj Suryadev, started a counter-fast opposing the demands of Sant Fateh Singh.

But Sant Fateh Singh's programme had a lacuna which had convinced the Central Government that he would not carry out his threat of self-immolation. The Sant had announced that one day prior to his immolation, i.e. on the 26th December, 1966, his associates, Sant Chanan Singh, Jiwan Singh Umranangal, Mal Singh Chirrak, and Dalip Singh Talwandi, would burn themselves to death at 4.00 p.m. Intelligence agencies of the Government had reported to it that none of the aforesaid associates of the Sant was sincerely committed to the pledge, and it was only a political stunt. The Government was, therefore, convinced that the political drama would somehow stop before the zero hour, and no immolation would take place.

Nevertheless, the Government took all precautions to maintain peace. As a first step, the Government arrested as many as 1927 prominent Sikh leaders and workers. The Army staged a flag march in the streets of Amritsar on the 25th December to demonstrate the Government's determination to suppress any uprising. On the same day, a forty-eight hours' curfew was clamped on the walled area of the city of Amritsar. All these measures, however, proved counterproductive and anger and bitterness amongst the Sikhs grew further, and, in spite of the

curfew a large crowd of Sikhs collected within the precincts of the Golden Temple to witness the historical event.

Some Congressite Sikhs tried to mediate in order to avert the impending tragedy. On the 24th December, Sardar Gurmukh Singh Musafir, Sardar Hukam Singh and Giani Zail Singh met Sant Fateh Singh in the Golden Temple Complex where he was fasting, but could not persuade him to give up his fast.

On the 26th December, it was announced that the programme of self-immolation by the four associates of the Sant scheduled earlier for the 26th December, had been postponed and now they would immolate themselves on the 27th December simultaneously with Sant Fateh Singh.

Meanwhile, close associates of Sant Fateh Singh were trying hard to take him out of the dilemma in which he had placed himself by announcing his intention to immolate himself. Pandit Mohan Lal, Secretary of the Punjab Congress, gives a first-hand account in this regard:

"I was at Delhi on the 25th December, 1966, when S. Uttam Singh Duggal M.P., S. Lachhman Singh Gill, then M.L.A. (later on Chief Minister, Punjab) and S. Narinder Singh Brar, M.P. came to the residence of Giani Gurmukh Singh at Ferozeshah Road and met him. Earlier than that, they had met the Home Minister, Shri Y. B. Chavan, and the then Congress President, Shri Kamraj. In my presence, they frankly conceded that they were trying to find a way to put an end to the impasse created by the fast of the Sant. They proposed that if the Prime Minister agreed to become an arbitrator to take decisions on Chandigarh, Bhakra-Nangal etc., then they would be able to persuade Sant Fateh Singh to break his fast. Gurmukh Singh Musafir and myself expressed doubts about Sant Fateh Singh agreeing to this proposal. The three mediators mentioned above repeatedly assured us that they shall be able to carry through their proposal, if the Prime Minister was agreeable. Hectic activity started at Delhi and the proposal was seriously discussed at the level of the P.M., the Home Minister, the Congress President Shri Kamraj, Musaffir Ji and Pt. Bhagwat Dyal, Chief Minister, Haryana. It was informally decided that if Sant Fateh Singh was agreeable to break his fast on the condition mentioned above, then the P.M.

should also agree. On the 26th December, 1966, S. Hukam Singh, Speaker of Lok Sabha, was sent from Delhi by a special aeroplane to Amritsar. He was accompanied by S. Uttam Singh Duggal and S. Narinder Singh, M.Ps. It was the day on which Sant Fateh Singh's associates had announced self-immolation."⁸

Sardar Hukam Singh reached Amritsar by a specially chartered plane at 3 p.m. and went straight to the Akal Takht and carried on negotiations for more than two hours with Sant Fateh Singh and his associates. Ultimately, it was announced that Sant Fateh Singh had agreed to break his fast and give up self-immolation on the assurance that the Prime Minister would act as an arbitrator over the issue of Chandigarh, Bhakra-Nangal etc. Thus anxiety and worry were over.

But later even this settlement became a matter of controversy. S. Hukam Singh had brought nothing in writing from the Union Home Minister to hand over to the Sant. However, he told the people who had gathered to witness immolation that he had no doubt that Chandigarh belonged to Punjab and would return to it. He said that Mrs. Gandhi had agreed to arbitrate on Chandigarh and that the Central Government was going to appoint a committee to go into the boundary dispute. Even the Sant announced afterwards that he had received "an assurance" that the demands that led him to fast would be met. But a few days after the end of the fast, Union Home Minister Chavan stated in the Parliament that the Government had given no assurance to the Sant. It proved a great set-back to Sant Fateh Singh's credibility amongst the Sikh masses. He was taunted for cowardice and people raised slogans against him at his meetings. In fact, some people had doubted the Sant's sincerity even before he broke his fast. Hazara Singh Gill, a dissident Akali leader, had installed himself with some of his supporters, near the main entrance to the Golden Temple, and he was telling people that the Sant did not mean business.

Sant Fateh Singh wrote to the Prime Minister that he had been given an assurance at the time he broke his fast that Chandigarh would be given to Punjab after the General Elections of 1967. However, the Prime Minister, in her letter dated the 27th May, 1967, denied having ever given an assurance that Chandigarh had been reserved for Punjab and that the territory would be allotted to it immediately after the elections.

Sant Fateh Singh had written in his letter, referred to above, that S. Hukam Singh had given him this assurance, but S. Hukam Singh, who had meanwhile been appointed Governor of Rajasthan, informed the press on the 30th May, 1967 that he had not given any such assurance to Sant Fateh Singh as he had none with him. He clarified that what he had told the congregation was his personal view that Chandigarh should go to Punjab and he still stuck to that opinion and was prepared to assert his influence to get it. He reasserted that he had never given any assurance of any kind on behalf of the Prime Minister or anybody else from the Centre.

At one stage Sant Fateh Singh had stated that Hukam Singh had brought him a letter of assurance from the Prime Minister which had been stolen from his custody. This was categorically repudiated by the Union Home Minister. Master Tara Singh did not believe the Sant's version and the Sant went down in public esteem. On the 20th July, 1967 S. Hukam Singh told the press that initially he was of the view that it would not be proper for him to go to Amritsar on that crucial day when the Sant was to immolate himself as he was not inclined to believe Sardar Uttam Singh Duggal and S. Narinder Singh Brar M.Ps., but he was ultimately made to accompany those gentlemen as they were considered to be close confidants of the Sant and were, therefore, in a position to disclose his mind and plans. S. Hukam Singh alleged that he was being made a scapegoat by the Sant to avoid embarrassment to himself. The controversy continued till the people's attention was distracted by other issues.

General Elections to the Lok Sabha and to the various State Assemblies were held in February, 1967. As far as Punjab was concerned, the Akalis too showed their keenness to acquire political power, if possible, in order to protect the rights of the Sikhs. The total number of seats in the Punjab State Assembly was 104. The Sant faction contested the elections in alliance with non-Congress parties, especially the Communist Party of India. Master Tara Singh group of Akalis decided to fight the elections alone on slogans like "creation of Sikhistan". The Master group secured only 4.5 per cent votes and 2 seats. The Sant Akali Dal got 24 seats with 20.5 per cent of votes and emerged as the second largest party in the Punjab Legislative Assembly. The Congress secured 48 seats with 37.6 per cent of votes. Thus no single party could get a clear majority to form a government. It may not be out of place to state here that one of the reasons for

the failure of the Congress to get a clear majority this time was the change in the political views of the Sikh farmers who had started looking at the Congress as a Hindu organisation because of its opposition to the formation of the Punjabi Suba and later on to the demand for inclusion of the left-out Punjabi-speaking areas in Punjab. The Sikh peasantry voted mainly for the Sant Akali Dal.

Ultimately, seven non-Congress parties, namely, Akali Dal (both Master and Sant factions), Republican Party, C.P.I., C.P.M., Jan Sangh, Samyukt Socialist Party and some Independents formed an alliance on the 4th March, 1967 and 49 legislators joined hands to form the United People's Front Ministry, under the leadership (*i.e.* the Chief Ministership) of S. Gurnam Singh of the Akali Dal. But soon inter-party conflicts started. Communists started fomenting labour agitations and strikes in Punjab as a result of which their relations with other partners became strained. Jan Sangh and Akalis also could not agree on the language issue.

Although the Marxists had won only 3 seats with 3.26 per cent of the votes and the C.P.I. had won 5 seats with 5.16 per cent of the votes, they were accommodated in the Government. The Communists used their official position to encourage strikes in urban factories, to carry communist propaganda to the countryside, and to develop an extensive network of political cells in villages. Even Sant Fateh Singh accused Food Minister, Satya Pal Dang of the C.P.I., of fomenting labour agitations and strikes in Punjab.⁹

Jan Sangh, one of the other partners of the alliance, was not agreeable to the declaration of Punjabi as the state language, although the state had been reorganised on the basis of language.

Lachhman Singh Gill, an M.L.A. of the Sant Akali Dal (who was also a contractor of the government), was conspiring with the Congress to bring about the downfall of the United Front Ministry. He had earlier created misunderstanding between Sant Fateh Singh and Master Tara Singh and was responsible for rift in the Akali Dal. He was an aspirant for the Chief Ministership of Punjab.

When the Punjab Assembly met on the 22nd November, 1967, Lachhman Singh Gill defected from the Front alongwith his supporters and formed Janta Party consisting of 17 M.L.As. At this, S. Gurnam Singh, Chief Minister, advised the Governor to recommend dissolution of the State Assembly. On the other

hand, 17 M.L.As headed by S. Lachhman Singh Gill asked the Governor not to accept the advice of the Chief Minister as their newly-formed Punjab Janta Party enjoyed the support of the Congress and was in a position to form a government. The Congress Legislative Party declared its support for the defectors to form a government.

On the 25th November, 1967 S. Lachhman Singh Gill was sworn in as the new Chief Minister. As a first step against his rivals, he got registered a case against Sant Chanan Singh and a few other office-bearers of the S.G.P.C. for embezzlement of Gurdwara funds.

To win support of the masses, Gill enacted the Official Language Act, 1967, which came into operation on the 28th December, 1967, *vide* which Punjabi became the official language of the State and was introduced as official language at the Secretariat and District levels.

Sant Fateh Singh and his associates were harassed by the Gill government supported by the Central Government and this brought a change in the Sant's political views. He, too, came to realize that the Sikhs must get some political autonomy, if they were to live a life of dignity. He, therefore, decided to compromise with Master Tara Singh group with whom he had no ideological differences now. Master Tara Singh had died on the 22nd November, 1967, and thus there was no longer any clash of personalities also.

Meanwhile, a rift developed between the Congress and Gill, and on the 23rd August, 1968, the Congress withdrew its support to him and he ceased to be the Chief Minister.

On the 28th September, 1968, the sixteenth All-India Akali Conference was held at Batala where Sant Fateh Singh accused the Centre of interfering in the state matters. He demanded safeguards in the Constitution to stop interference by the Centre in the affairs of the states.

The Akali Das (Sant) and the Akali Dal (Master) announced their merger with each other. They agreed that all decision-making powers should vest in the Khalsa.

Mid-term elections for the Punjab State Assembly were announced for the 9th February, 1969. Akalis entered into an alliance with the rightists – Swatantra Party and the Jan Sangh, although some seat adjustments with C.P.I. (M) were also made. The Akali Dal emerged on its own as the single largest party winning 43 seats with 29.6 per cent of votes. On the 17th

February, 1969 an Akali-Jan Sangh coalition government with Gurnam Singh as Chief Minister was installed.

II

Martyrdom of S. Darshan Singh Pheruman

The Punjab State had to face a political crisis when S. Darshan Singh Pheruman, an ex-Secretary of the S.G.P.C. and a member of the Rajya Sabha from 1951 to 1964, announced on the 1st August, 1969 that he would go on a fast unto death on the 15th August, 1969 to secure the inclusion of Chandigarh in Punjab. He accused the Akali leadership of lacking courage and blamed Sant Fateh Singh and Master Tara Singh for lowering the image of the Sikhs in the eyes of the public by running away from martyrdom. A conference was held on the 1st August, 1969 at Rayya where S. Darshan Singh announced that he would go to Amritsar to pay homage at the Golden Temple on the 14th August, 1969 and take a pledge to lay down his life if the demands were not conceded. But on the night of 12th/13th August, the Punjab police arrested him from his residence at village Pheruman under section 9 of the Punjab Security Act and lodged him in the jail at Amritsar.

At that time, an Akali government, headed by S. Gurnam Singh, was ruling Punjab and Sant Fateh Singh headed the Akali Party. As already pointed out, Sant Fateh Singh had got Agni-kunds constructed on the roof of the holy Akal Takht for cremation of his dead body in case he died while fasting for inclusion of Chandigarh in Punjab. But when the Sant broke his fast without getting the demand conceded people protested against the existence of these Agni-kunds which were a standing disgrace to the Sikh traditions. S. Darshan Singh Pheruman also wrote an open letter to Sant Fateh Singh requesting him to demolish these Agni-kunds which were a symbol of hypocrisy and fraud and a provocation to the whole Panth. Sant Fateh Singh, addressing a public meeting at Baba Bakala on the 28th August, 1969, said, "Pheruman is a stooge in the hands of certain political jugglers in Punjab."

But Darshan Singh Pheruman was a man of iron will and firm determination. He was determined to prove to the world that a Sikh never relents from a vow taken during his religious prayer, i.e. Ardas. He wanted to remove the stigma of unfulfilled vows on the fair name of the Sikh community, known for its long

history of martyrdom and sacrifices – the stigma for which Sant Fateh Singh and Master Tara Singh were responsible. Therefore, on the 15th August, 1969, at 4 p.m., he performed the same Ardas which he was to perform at the Akal Takht if he had not been arrested, and started his fast unto death in police custody. As the fast progressed, the condition of Pheruman deteriorated and he had to be shifted to the Government Hospital at Amritsar where he was kept under police security, and interviews with him were strictly regulated by the police. Pheruman's prestige enhanced as it became known that he was determined to die by fasting unless his demands were conceded. On the 27th October, 1969, S. Darshan Singh Pheruman wrote a letter to the Prime Minister, "I am sorry that no effort has been made so far by anyone to explain to you the real significance of a Sikh's Ardas (vow).... Whatever may be the other factors, a Sikh is bound by whatever he says in Ardas before his Guru. I went on this fast with a true and pure heart and by renouncing any fear of death. Once I have offered my Ardas, I cannot ignore it unless its purpose is fulfilled, i.e. till Chandigarh is given to Punjab."

Sensing popular support for Pheruman's fast amongst the Sikh masses, Sant Fateh Singh, accompanied by his entourage, visited the Government Hospital at Amritsar on the 27th October, 1969 with a basketful of flowers to call on Darshan Singh Pheruman and persuade him to give up his fast. However, per chance, the moment Sant Fateh Singh entered the hospital (at 3.30 p.m.) electricity failed in the whole town and remained off continuously for 48 hours thereafter due to some major breakdown in the Power House. However, Pheruman died on the same day after fasting for 74 days. Thus he can be acclaimed as the first martyr in the cause of Sikh Homeland, because, in his last testament, expressing his grief over the fact that while "the country is now free but the Panth is still in bondage," Pheruman had reiterated his intention to lay down his life by fasting "so that the Panth may attain its true status of *suigenerous* sovereignty within the constitutional framework of a free and sovereign India", and "so that the next step may become possible for the establishment of the Sikh Homeland within the Union of India."

As the news of Pheruman's death spread, Sikh sentiments were aroused. The Punjab Government, sensing trouble, had the martyr's body cremated at his village Pheruman on the 28th October, 1969 in a most unceremonious manner under the

pretext of according him a State funeral. About 50,000 people, who had assembled for the funeral, besieged the Chief Minister and Sant Chanan Singh, lieutenant of Sant Fateh Singh, and they were rescued with great difficulty by the police. The police resorted to lathi-charge to control the frenzied crowd.

Darshan Singh's fast had caused a serious setback to the leadership of Sant Fateh Singh, and, with a view to rehabilitating himself, the Sant gave an ultimatum to the Prime Minister on the 17th September, 1969 to start negotiations by the 25th September, 1969, otherwise the Akali Dal would launch an agitation to get Chandigarh included in Punjab. The Prime Minister and the Sant met at Delhi on the 19th September, 1969, but nothing concrete came out of the meeting. As a result, the Working Committee of the Akali Dal gave a call for an all-party movement to get Chandigarh.

On the 17th October, 1969, a biggest-ever all-party procession was taken out in Chandigarh to demand inclusion of Chandigarh in Punjab.

However, as already pointed out, S. Pheruman died after ten days of this procession, i.e. on the 27th October, 1969. By this time, Sant Fatesh Singh's esteem had come down to its lowest. To improve his public image, he announced on the 24th November, 1969, that he would go on fast with effect from the 26th January, 1970, and, if he survived the ordeal till the 31st January, 1970, he would commit self-immolation by burning himself on the 1st February, 1970 at 3 p.m. to press the demand for the merger of Chandigarh in Punjab.

On the 9th January, 1970, the Working Committee of the Akali Dal suspended the constitution of the party and appointed Sant Fateh Singh as dictator to carry on the agitation.

On the 10th January, 1970, an all-world Panthic Convention was held at Amritsar which was attended by five thousand delegates from all over the world. It reiterated the demand for Chandigarh.

But Sant Fateh Singh's position received a setback when Gurnam Singh, the Akali Chief Minister of Punjab, refused to comply with the Sant's direction that all ministers and legislators should submit their resignations to support his demand for Chandigarh.

Sant Fateh Singh started his fast on the 26th January, 1970 and he swore that if Chandigarh was not restored to Punjab, he would die as per programme announced earlier. Hindu-Sikh

tension increased and in Haryana Hindu students went on rampage against the Sikhs.

On the 29th January, 1970, Prime Minister Indira Gandhi announced her award on the Chandigarh dispute vide which she gave Chandigarh to Punjab but mollified Haryana by giving it a part of Fazilka Tehsil and Abohar (both rich cotton-growing tracts) and a grant of rupees ten crores to build a new capital for itself. The final implementation of this award was postponed till January, 1975.

Both Sant Fateh Singh as well as the Akali Chief Minister Gurnam Singh tried to befool the masses by declaring that the Indira Gandhi Award was a victory for Punjab, but the masses refused to be taken in. The Sant ended his fast on the 29th January, 1970 at 5.30 p.m. A large crowd opposed the breaking of fast, raised anti-Sant slogans, and burnt the portraits of the Sant displayed in the S.G.P.C. office. Effigies of the Sant were burnt at various places by angry mobs who declared that the Sant had given up his fast without gaining the objects for which he had taken the vow. He was accused of bartering away one of the richest tracts of the State for getting Chandigarh.

With the Sant's image suffering a setback, rift between him and the Akali Chief Minister Gurnam Singh widened. The Sant nominated Jathedar Santokh Singh of Delhi as the Akali Dal's official nominee for the Rajya Sabha seat, overruling the wishes of Gurnam Singh who favoured Giani Bhupinder Singh (ex-head priest of the Golden Temple). The Giani contested the election as an independent candidate, and, with the secret support of Gurnam Singh, defeated the official nominee, on the 25th March, 1970.

The Sant took immediate revenge by arranging the defeat of Gurnam Singh ministry in the State Assembly. S. Balwant Singh, Finance Minister in Gurnam Singh Ministry, refused to present the Appropriation Bill, whereupon Gurnam Singh himself tried to introduce the Bill. But the Akali legislators supporting the Sant voted it down with the help of the Jan Sangh legislators. The Congress legislators remained neutral. Gurnam Singh thereupon submitted the resignation of his Ministry.

Giani Bhupinder Singh, who had won the Rajya Sabha seat, was expelled from the Sant Akali Dal and he announced the reactivation of the Master Akali Dal.

Parkash Singh Badal was elected leader of the Akali Legislature Party on the 25th March, 1970 after the defeat of Gurnam

Singh ministry. Badal formed a coalition government, with Jan Sangh as a partner, on the 27th March, 1970. Badal expanded his cabinet several times to retain the loyalty of the dissatisfied Akali legislators, but he could not save his ministry for long. The Jan Sangh, taking advantage of Badal's difficulties, insisted that Hindi be declared the second official language of Punjab. This was not acceptable to Akalis as they could ill-afford to lose public support by compromising the unilingual character of the State. As a result, the Jan Sangh ministers tendered their resignations on the 30th June, 1970, and opted to sit on the Opposition benches.

Elections to the Lok Sabha, held in March, 1971 exploded the myth of Sant Fateh Singh's hold on the Sikh masses. Out of 13 Parliamentary constituencies in Punjab his nominees could win only one seat. This debacle at Parliamentary elections made the position of the Sant, as well as that of the Chief Minister Parkash Singh Badal awkward. Gurnam Singh's supporters, with the help of the Jan Sangh legislators, planned to topple the Badal ministry. To foil their attempt (which was likely to succeed), Parkash Singh Badal as Chief Minister called on the Punjab Governor and advised him to dissolve the Assembly. The Governor accepted this advice and dissolved the Assembly in June, 1971.

To rehabilitate himself among the Sikh masses Sant Fateh Singh announced an agitation plan to get a Management Board elected for the Gurdwaras of Delhi, on the pattern of the Sikh Gurdwaras Act.

On the 15th July, 1971, the Working Committee of the Sant Akali Dal decided that Sant Fateh Singh should court arrest on the Independence Day, *i.e.* the 15th August, 1971. Accordingly, the Sant left Amritsar for Delhi, alongwith 109 followers, on the 22nd July, 1971, but they were arrested on the 14th August, 1971 at Narela, near Delhi. Thereafter, Akali volunteers continued courting arrest. The movement gained a sudden momentum on the 15th November, 1971, when about 1500 Akali volunteers demonstrating outside the Indian Parliament were lathi-charged and tear-gas shells were fired at them in order to disperse them. However, while the agitation was going on and about 20,000 Akalis had courted arrest, war with Pakistan started. The President of India declared a state of emergency on the 3rd December, 1971 as Pakistani President Yahya had started war with India in the western sector. The Minister of State for Home Affairs informed the Rajya Sabha on the 6th December, 1971

that all the Akalis arrested in connection with the Delhi Gurdwara agitation were to be released as a gesture of goodwill. The Akalis responded by suspending the agitation with effect from the 8th December, 1971. After the end of the Indo-Pak war in which Sikhs participated whole-heartedly, the Delhi Sikh Gurdwaras Act was enacted which received the President's assent on the 30th December, 1971.

But Akali leaders' bickerings *inter se* stood in their way for winning a popular mandate from the masses. In the March, 1972 elections to the Punjab Assembly, Akalis could win only 24 seats out of 104. The only solace for the Akalis was that the Jan Sangh, which was responsible for engineering the downfall of the Akali ministry under Prakash Singh Badal, drew a blank.

On the 17th March, 1972, Giani Zail Singh of the Congress Party was sworn in as the new Chief Minister of Punjab. This proved to be a severe blow to the leadership of Sant Fateh Singh. The internal differences in the Akali Dal came to the surface. Gurcharan Singh Tohra called upon Sant Fateh Singh to retire from active politics. On the 25th March, 1972 the Sant quit politics. He relinquished the Presidentship of the Akali Dal and nominated Jathedar Mohan Singh Tur and S. Parkash Singh Badal respectively as the acting President and Senior Vice-President of the Dal.

Giani Zail Singh proved to be an extremely shrewd Chief Minister and politician. Though a Congressite, he proved himself to be the grand master of the Sikh political chess. He outwitted Akalis in awakening Sikh fundamentalism. He had made an intensive study of Sikh scriptures. Earlier, he had worked as a Sikh missionary under the S.G.P.C., and as such he knew well the psychology of the Sikh masses. He organised a 640 kilometer long 'Mahan Yatra' from Anandpur Sahib to Damdama Sahib from the 10th April, 1973 to the 13th April, 1973. He took the route which connected 91 Sikh shrines associated with the life of Guru Gobind Singh. The sacred weapons of Guru Gobind Singh and the horses of the breed of the horse which Guru Gobind Singh used to ride were taken in a procession during this Yatra. Lakhs of Sikhs participated in the procession at its various stages. He renamed 'Mohali' town situated on the outskirts of Chandigarh as 'Sahibzada Ajit Singh Nagar' in memory of Guru Gobind Singh's son.

Sant Fateh Singh, who had announced his retirement from politics under mounting opposition, had not given up his ambition

to stage a come-back. He got himself elected as Patron of the Akali Dal on the 11th October, 1972 and also procured authority to nominate the office-bearers of the Akali Dal. But a fatal heart attack on the 30th October, 1972 removed him from the political scene for ever. His deputy and close confidant, Sant Chanan Singh, who was aspiring to be Sant Fateh Singh's successor, also died of a heart attack on the 23rd November, 1972.

Thus an era in Sikh politics came to an end, giving place to a new leadership with a new ideology which was a consequence of S. Darshan Singh Pheruman's martyrdom.

NOTES AND REFERENCES

1. Asha Bhatnagar & five others: *Hindu-Sikh Conflict in Punjab*, p. 22.
2. The 'Sikh Review'; XIV/153 (May, 1966), p. 64.
3. For full text, read Appendix 47 of volume I of the *History of Sikh Struggles*.
4. Section 3 of the Punjab Reorganisation Act.
5. Section 4 of the Punjab Reorganisation Act.
6. Section 5 of the Punjab Reorganisation Act.
7. Satya M. Rai; *Punjab Since Partition*, p. 314 & p. 370.
8. Pandit Mohan Lal: *Disintegration of Punjab*.
9. Narang, A. S.: *Storm Over Sutlej*, p. 183.

Chapter 2

Towards Autonomy

The dilemma of the Sikh leadership has been that while they have to operate within a secular polity, they have to espouse exclusively the cause of one religious community, namely, the Sikhs. As a result, they have always put forward their demands with some sugar-coating in order to make them appear secular.

The demand for Punjabi Suba was essentially aimed at carving out a region predominantly inhabited by the Sikhs but the demand had to be presented under the cover of linguistic province, so that it would not smack of religious separatism. Master Tara Singh was frank enough to make it clear that "The Akali Dal had told me not to mention the Sikh rule but to talk only of the linguistic State, though I wanted to declare that the Sikh rule was near at hand."¹ Master Tara Singh wanted an area in India where, on the birth-days of the Gurus, armies would march in streets and the Sikh flag could fly alongside the national flag on the Government buildings. He wanted Azadi (freedom) for the Sikh people.

After the formation of Punjabi Suba, the demand for more powers for the state was bound to follow. The demand was raised even as an election issue by the Sant Akali Dal in its election manifesto for the 1967 elections. After the elections the Akalis were able for the first time to rule Punjab through a coalition government. They realised the need for a wider field for exercising power and influence. The fall of the Akali government manoeuvred by the Central Government convinced the Sikh leadership that the struggle for greater state autonomy had become necessary as the Sikh interests were "absolutely not safe in the hands of the so-called secular and national government."

The breaking away of the eastern wing of Pakistan from the parent country and its emergence as an independent country, Bangla Desh, provided further impetus to this demand. Many amongst the Akalis argued that if the Government of India could

support the right of self-determination for the people of East Pakistan, which had a separate linguistic and cultural entity, against the oppressive and discriminatory policies of the Western Wing, then why should the same right of self-determination be not given to the people of Punjab, especially when their demands were far below the six-point programme of the Awamy Party of Bangla Desh?

While Akali leaders individually continued raising demand for greater state autonomy from various forums, the demand was formally raised at Anandpur Sahib on 16-17 October, 1973, where S. Kapur Singh moved a resolution at a big Akali Conference. The resolution, which was unanimously passed, highlights the grievances of the Sikhs and the discrimination being made against them, as also the steps which must be taken to establish the Sikhs' pre-eminence in Punjab. Only a summary of this resolution was read and made available at that time. When the Akalis came to power in Punjab once again in 1977, the hawks in the party, who failed to get a share in the spoils of the office, forced the leaders to get a revised version of the resolution passed at the plenary session of the Akali Dal on the 28th August, 1977. However, even after the resolution had been passed, the Akali Dal did not take any follow-up action for its implementation. But at the 18th All-India Akali Conference held at Ludhiana in October, 1978, Gurcharan Singh Tohra, S.G.P.C. President, moved a resolution demanding state autonomy which described India as a multi-national society. He said, "The crux of the matter is that of sharing political sovereignty which is not the prerogative predicate, attribute and quality of the Centre alone; both the Centre and States partake of sovereignty in a co-ordinate manner." This resolution, which was passed in the light of the Anandpur Sahib resolution, asserts that "India is a federal and republican geographical entity of different languages, religions and cultures".

Some people claim that since no detailed resolution was passed at Anandpur Sahib, therefore, the Ludhiana resolution is, in fact, the detailed Anandpur Sahib Resolution. But the Akalis assert that the Anandpur Sahib resolution was passed in detail. Anyway, the Anandpur Sahib resolution and the Ludhiana resolution are treated as two versions of the same resolution. Then came the third version, which was released by Sant Harchand Singh Longowal. Thus, as many as three versions of the Anandpur Sahib resolution came to be circulated and it

became difficult to decide which of them was the genuine one. However, the resolution circulated by Sant Harchand Singh Longowal is taken as the official version of the Akali Dal.

There are some differences in the various versions of the 1973 resolution, yet they have the following common features:

1. They are based on the thesis that the Sikhs are not only an independent religious community but are also an independent and separate political entity.
2. All versions concede only four departments to the Centre, namely, Communication, Currency, Defence and Foreign Affairs.
3. The political aim in every version is defined as 'Khalsa Ji Ka Bol Bala'.
4. Inclusion of Punjabi-speaking areas of adjoining states in Punjab.
5. Change in the foreign policy of India.
6. All versions have four sections. The first deals with the ideology and objectives of the Dal, the second explains the party's political goal and the third and fourth sections deal with the Akali Party's economic programme and its educational and cultural aims.

Out of the three versions of the resolution in circulation, one is identified with S. Kapur Singh, the second is projected by Dr. Bhagat Singh, M.L.A. of the Akali Dal (Talwandi), and the third version, known as Akali Dal's official version, was printed and circulated by the late Giani Ajmer Singh, Secretary of the Shiromani Akali Dal.

Akali leadership at one stage had associated S. Kapur Singh with the task of formulating the resolution, but, later, realised that his views, particularly relating to the historical perspective, were too isolationist to be incorporated in the resolution. The resolution printed by the Shiromani Akali Dal differs substantially from the one produced by S. Kapur Singh. Dr. Bhagat Singh seems to have mainly borrowed S. Kapur Singh's version but he added certain areas to be merged in Punjab. He wants Paonta Sahib, Dehra Dun valley and Terai area of U.P. also to form part of Punjab.

The reason behind the Akali Dal's demand for autonomy of States was that the minorities are vulnerable to discrimination against them by the majority community which controls the state

became difficult to decide which of them was the genuine one. However, the resolution circulated by Sant Harchand Singh Longowal is taken as the official version of the Akali Dal.

There are some differences in the various versions of the 1973 resolution, yet they have the following common features:

1. They are based on the thesis that the Sikhs are not only an independent religious community but are also an independent and separate political entity.
2. All versions concede only four departments to the Centre, namely, Communication, Currency, Defence and Foreign Affairs.
3. The political aim in every version is defined as 'Khalsa Ji Ka Bol Bala'.
4. Inclusion of Punjabi-speaking areas of adjoining states in Punjab.
5. Change in the foreign policy of India.
6. All versions have four sections. The first deals with the ideology and objectives of the Dal, the second explains the party's political goal and the third and fourth sections deal with the Akali Party's economic programme and its educational and cultural aims.

Out of the three versions of the resolution in circulation, one is identified with S. Kapur Singh, the second is projected by Dr. Bhagat Singh, M.L.A. of the Akali Dal (Talwandi), and the third version, known as Akali Dal's official version, was printed and circulated by the late Giani Ajmer Singh, Secretary of the Shiromani Akali Dal.

Akali leadership at one stage had associated S. Kapur Singh with the task of formulating the resolution, but, later, realised that his views, particularly relating to the historical perspective, were too isolationist to be incorporated in the resolution. The resolution printed by the Shiromani Akali Dal differs substantially from the one produced by S. Kapur Singh. Dr. Bhagat Singh seems to have mainly borrowed S. Kapur Singh's version but he added certain areas to be merged in Punjab. He wants Paonta Sahib, Dehra Dun valley and Terai area of U.P. also to form part of Punjab.

The reason behind the Akali Dal's demand for autonomy of States was that the minorities are vulnerable to discrimination against them by the majority community which controls the state

and its resources. It, therefore, wanted special constitutional safeguards for the Sikh minority in India and a special political status for the State of Punjab. There was nothing anti-national or secessionist in the demand, because it was only seeking implementation of the assurances given by the national leaders like Jawahar Lal Nehru in the days preceding the transfer of power by the British to the Indian hands. Before the partition of India, the Congress leaders had promised a federal structure for the country wherein residuary powers were to vest in the provinces and the Union Government was only to exercise those powers which would specifically be assigned to it.

On the 22nd January, 1947, Pandit Jawahar Lal Nehru had moved in the Constituent Assembly the Historical Objectives Resolution, which read :

"Wherein the territories that now comprise British India, the territories that now form the Indian States, and such other parts of India and the States, as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of Government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom."

In fact, the Constituent Assembly had met to create a "minimal federation", but, later, because of the partition, the pendulum swung to the other extreme and a new kind of federalism was evolved in which the States' rights and autonomy became the casualties. States were reduced to the status of municipalities, so much so that in 1969, Dr. Anna, Chief Minister of Tamil Nadu, wrote in 'Home Rule' that he was not happy at being the Chief Minister of his State under a constitution "which on paper is federal but in actual practice tends to get more and more centralised."

On the 22nd September, 1969, the Government of Tamil Nadu had constituted a committee consisting of Dr. P. V. Rajamannar as Chairman and Dr. A.L. Mudaliar and Thiru P.

Chandra Reddy as members "in order to examine the question regarding the relationship between the Centre and the States on the basis of autonomy for the States, without, in the least, impairing the integrity of the country. The Rajamannar Committee submitted its report on the 27th May, 1971. It recommended that with the aim of setting up a true federation, the Federal Government should have powers only relating to defence, foreign policy, inter-State communication and currency and the States should have all the other powers."²

The Akali Dal's dissatisfaction with the distribution of powers between the Centre and the States could be traced to the early fifties when Akali Dal demanded in a resolution that the Centre's sphere should be limited to foreign affairs, defence and communications.

Thereafter, this demand continued to be raised from time to time. In 1967, the election manifesto of the Akali Dal (Sant) demanded that the Centre should have only limited powers. It promised that the Akali Dal would endeavour to secure more powers to the States in order to maintain the territorial integrity of the country and also to secure more smooth and friendly Centre-State relations.

The downfall of the Akali ministry in Punjab at the instigation of the Congress Government at the Centre after the 1967 elections convinced the Akalis that they must demand state autonomy more seriously if they were to retain power.

On 16-17 October, 1973, the Akali Dal adopted a policy document at the holy town of Anandpur Sahib. This document was prepared by a 12-member policy programme sub-committee which was constituted by the Working Committee of the Dal for this purpose on the 11th December, 1972. It is this document which has come to be known as the Anandpur Sahib resolution.

The resolution demanded the recasting of the Indian Constitution 'on real federal principles' under which only four subjects, viz. defence, foreign relations, currency and general communications, should vest in the Centre, whereas all other departments should be under the jurisdiction of Punjab and all other States.

But what made the resolution so controversial was the first part of this paragraph which details the necessity for such a federalism. The 'objective' (political) reads:

"The Panthic political aim is definitely based on the directives of the Tenth Guru, which is engraved on the pages of

Chandra Reddy as members "in order to examine the question regarding the relationship between the Centre and the States on the basis of autonomy for the States, without, in the least, impairing the integrity of the country. The Rajamannar Committee submitted its report on the 27th May, 1971. It recommended that with the aim of setting up a true federation, the Federal Government should have powers only relating to defence, foreign policy, inter-State communication and currency and the States should have all the other powers."²

The Akali Dal's dissatisfaction with the distribution of powers between the Centre and the States could be traced to the early fifties when Akali Dal demanded in a resolution that the Centre's sphere should be limited to foreign affairs, defence and communications.

Thereafter, this demand continued to be raised from time to time. In 1967, the election manifesto of the Akali Dal (Sant) demanded that the Centre should have only limited powers. It promised that the Akali Dal would endeavour to secure more powers to the States in order to maintain the territorial integrity of the country and also to secure more smooth and friendly Centre-State relations.

The downfall of the Akali ministry in Punjab at the instigation of the Congress Government at the Centre after the 1967 elections convinced the Akalis that they must demand state autonomy more seriously if they were to retain power.

On 16-17 October, 1973, the Akali Dal adopted a policy document at the holy town of Anandpur Sahib. This document was prepared by a 12-member policy programme sub-committee which was constituted by the Working Committee of the Dal for this purpose on the 11th December, 1972. It is this document which has come to be known as the Anandpur Sahib resolution.

The resolution demanded the recasting of the Indian Constitution 'on real federal principles' under which only four subjects, viz. defence, foreign relations, currency and general communications, should vest in the Centre, whereas all other departments should be under the jurisdiction of Punjab and all other States.

But what made the resolution so controversial was the first part of this paragraph which details the necessity for such a federalism. The 'objective' (political) reads:

"The Panthic political aim is definitely based on the directives of the Tenth Guru, which is engraved on the pages of

Sikh history and is in the mind of the Khalsa Panth. Its aim is 'Khalsa Ji Ka Bol Bala'.

To this end in view, the Shiromani Akali Dal will strive and wage struggles for the following :

- (a) _____
- (b) In this new Punjab and other States the Central intervention should be restricted to Defence, Foreign Affairs, Posts & Telegraphs, Currency and Railways. The rest of the departments should be under the direct control of Punjab."

The use of the Punjabi phrase 'Khalsa Ji Ka Bol Bala' in the resolution was differently interpreted and translated by various commentators to suit their line of argument. Some saw secessionism and even sedition in this phrase. But, in fact, no part of the Anandpur Sahib Resolution can be said to be outside the framework of the Constitution of India, or secessionist or a threat to the unity and integrity of the country.

The words "Khalsa Ji Ka Bol Bala" in the resolution only mean that Sikhism should be given a special place in the State of Punjab and a provision should be inserted to that effect in the Constitution, since this will not affect the secular character of the Constitution. For example, section 6 of the Constitution of Sri Lanka provides that Buddhism should be given "the foremost place" and it is the duty of the State to protect and foster it. Commenting on this constitutional provision, the celebrated constitutionalist Wilson observes :

The implication of this provision can mean no more than what the State has hitherto been doing for Buddhism – providing financial subsidies for Buddhist activities and observing a certain amount of Buddhist ceremonial on state occasions and governmental and quasi-governmental functions. But it could add up to very much more if a government decided in earnest to implement it."

At present, on all government and Quasi-government functions in India, Hindu ceremonials are observed. For example, when a naval ship is commissioned, the Hindu ceremony of breaking a coconut is observed. If that is not unsecular then how will it be unsecular if hymns from Guru Granth Sahib, which is

the most secular of all the scriptures of the world (it contains hymns of Muslim as well as Hindu Saints besides those of the Sikh Gurus) are recited at the governmental functions in Punjab. As regards providing financial subsidies for Sikh religious activities, it may be pointed out that under Article 290-A of the Indian Constitution a sum of rupees 46,50,000 is payable out of the Consolidated Fund of the State of Kerala, and a sum of rupees 13,50,000 out of the Consolidated Fund of the State of Tamil Nadu every year for the maintenance of Hindu temples and shrines. If this provision does not tarnish the secular image of our Constitution, then heavens will not fall if some amount is spent out of the Consolidated Fund of Punjab State on the preservation of Sikh heritage.

The critics of the resolution, however, maintain that the essence of the Anandpur Sahib resolution, if conceded, can prove to be a stepping-stone to the creation of Khalistan.³ The Anandpur Sahib Resolution, according to these critics, is not a resolution asking for more powers for the State of Punjab. In fact, it demands a theocratic Punjab within India.

It is obvious that federalism envisaged in the Anandpur Sahib Resolution is basically inconsistent and irreconcilable with the concept of Khalistan. Moreover, it was the expert Rajamannar Committee, referred to earlier in this Chapter, which had suggested in its report that the Federal Government should have powers only relating to defence, foreign policy, inter-state communication and currency. But nobody ever called the honourable members of that Committee as anti-national or secessionist.

Even S. Kapur Singh, the author of the extremist version of the Anandpur Sahib Resolution, explaining his concept of autonomous Punjab, had said, "The internal constitution of this autonomous State shall be democratically framed within the ambit of the Constitution Act of India and it cannot create a theocracy or a non-egalitarian, graded society wherein a class of citizens or a section of society is more privileged than the rest."

Claiming India as a plural society cannot be dubbed as anti-national. Even the Srinagar Declaration, which was drafted by the Communist Party of India (Marxist), Congress (S), Democratic Socialist Party, National Conference, Janvadi Party, United Front, Akali Dal, Telugu Desam, C.P.I., and Congress (J) took the same stand *vis-a-vis* the Centre and the States. It reads:

"Although our Constitution was meant to be a federal one,

its unitary features have increasingly come to overshadow its federal features. Over the years, because of the persistence of one-party rule, both at the Centre as well as in the States, the powers vested in the States have been greatly eroded."

"All this has given rise to many tensions and disputes between the Centre and the States. It is important to restore and strengthen the autonomy of the States and to strike a proper balance between the powers of the Centre and those of the States, so that the character of our multi-religious, multi-lingual and multi-cultural country is preserved."

Therefore, if the Anandpur Sahib Resolution demands that the Sikhs (and the other religious minorities living out of Punjab) should be adequately protected against any kind of discrimination, it cannot be termed as communal. Explaining the Anandpur Sahib Resolution, S. Parkash Singh Badal, speaking at the Srinagar conclave as above in October, 1983, had said:

"Shiromani Akali Dal, after very careful consideration, adopted the Anandpur Sahib Resolution taking into consideration the different linguistic and cultural sections, religious minorities and also the voice of millions of people, in order to recast the structure of the country on real and meaningful federal principles, and to obviate the possibility of any danger to the national unity and integrity of the country."⁴

Another part of the Anandpur Sahib Resolution which is looked with suspicion is the one dealing with the foreign policy of India. It reads

The Shiromani Akali Dal feels that the foreign policy of the Congress Government is useless and harmful for the country and the nation as a whole. It will strive for good relations with all neighbouring countries, particularly where the Sikhs reside or where their religious shrines are found. Our foreign policy should not be tagged along with any other country."

It is alleged by the critics of the Resolution that this part of the Resolution refers to Pakistan which is behind the present Sikh problem. According to these critics, in October, 1971, the

Information Department of the Pakistan Mission in Washington had financed the advertisement in the New York Times which had spelt out a demand for separate Sikh Homeland and talked of the oppression of the Sikhs in India. Soon after the advertisement had appeared, Dr. Jagjit Singh Chauhan, an Akali radical and ex-Finance Minister of Punjab, had surfaced in Washington and later visited Pakistan twice as a guest of the Pakistani Government. Later Dr. Chauhan had openly demanded the formation of the State of Khalistan. Therefore, the Anandpur Sahib Resolution was alleged to be a part of Pakistan's conspiracy to disintegrate India. As the White Paper on Punjab Agitation issued by the Government of India on the 10th July, 1984 alleged :

"The essence of the problem in Punjab was not the demands put forward by the Akali Dal in 1981 but the maturing of a secessionist and anti-national movement, with the active support of a small number of groups operating from abroad."

But Akalis justified their demands by explaining that this part of the Resolution was aimed at regaining access to the Gurdwaras in Pakistan. Many religious shrines of the Sikhs are situated in Pakistan and the Sikhs have been cut off from them. As the Sikhs in India could approach the Government of Pakistan only through the good offices of the Government of India, the problem of granting free access to Sikh Shrines remained unsolved due to bad relations between the two countries. The Anandpur Sahib Resolution, therefore, pleaded for improvement of relations between the two neighbouring countries. This intention is also corroborated by another part of the Resolution which provides that the Akali Dal will strive to secure 'open Darshan' of Sri Nankana Sahib and other Gurdwaras which have been snatched away from the Panth.

Rajiv Gandhi, who, as Prime Minister of India, became the most vocal critic of the Anandpur Sahib Resolution, described it in his public speeches as a threat to the national unity and integrity of the country. He even went to the extent of describing it as identical with the Lahore Resolution of the Muslim League which later led to the partition of India and the creation of Pakistan. But it was a wrong and biased comparison because while the Lahore Resolution demanded that "geographically contiguous units be demarcated into regions which should be so

constituted with such territorial readjustments as may be necessary, that the areas, in which the Muslims are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute independent states in which the constituent units shall be autonomous and sovereign", the Anandpur Sahib Resolution only proclaims that the Shiromani Akali Dal shall strive for "creation of such an environment where Sikh sentiment can find its full expression". Even S. Kapur Singh's version of the Anandpur Sahib Resolution only proclaims that "Sikhs are determined by all legitimate means to extricate and free themselves from this degrading and death-dealing situation, so as to ensure their honourable survival and salvage their inherent dignity." This clause only projects the Sikh fears and apprehensions regarding threats to their identity, and demands improvement in the political environment. For example, the Sikhs have repeatedly demanded enactment of Sikh Personal Law because the Hindu Law which had been made applicable to them by the Indian Parliament in 1956 is not in accordance with Sikh customs and practices. But no heed has been paid by the Indian Government to this genuine demand.

Akali agitation seeking amendment of Article 25 of the Constitution which provides that the word "Hindu" includes "Sikh" must be looked at from this angle. The Sikhs consider such provisions as a threat to their independent religious identity. The Sikhs had protested against reference to them as "a sect of the Hindus" by Gandhi as back as in 1925, when he first visited Punjab. He referred to Sikh resentment against this approach when he wrote in his paper, 'Young India' :

"I do not quarrel with the Sikhs for considering, if they wish, Sikhism as totally distinct from Hinduism and when during my first visit to Punjab a few Sikh friends told me that my reference to Sikhism as part of Hinduism displeased them I ceased to refer to it as such."⁵

But, in spite of Sikh protests, Mahatma Gandhi continued to call the Sikhs as Hindus knowing fully well that he was injuring Sikh sentiments by so doing. He again said :

"I personally do not see any difference between Sikhism and Hinduism. They are varieties of the same faith. When I read the Granth Sahib written in Devnagri characters I did not have much difficulty in following the language. The thought in the various bhajans of Nanak Sahib and other

Sikh Gurus is derived from the Vedas and the Puranas. But, at the same time, I do not mind if the Sikhs regard themselves as distinct from the Hindus."⁶

And again, on another occasion, he said :

"It was wrong to make a difference between the Sikhs and Hindus. Master Tara Singh had compared the Hindus and Sikhs to the nail and the nail-bed; no one could separate the two. I am glad to hear it. Who was Guru Nanak, if not a Hindu? The Guru Granth Sahib is full of the teachings of the Vedas. Hinduism is like a mighty ocean, which receives and absorbs all religious truths."⁷

Although all attempts to induce the Sikhs to accept Hinduism on the glib plea that they were only a sect or a part of the reform movement within Hinduism were rebuffed by the Sikhs, the Hindu majority did not give in; and when the Constitution of India was being framed, Explanation II was added to Article 25 saying that reference to Hindus shall be construed as including a reference to persons professing the Sikh religion. This explanation created fears amongst the Sikhs about the preservation of their separate identity. Giving vent to the Sikh feelings on this issue, Sant Harchand Singh Longowal in a memorandum to members of the Parliament wrote, "A microscopic minority like the Sikhs had genuine forebodings that they may lose their identity in the vast ocean of the overwhelming Hindu majority."

Akalis launched an agitation in February, 1984 to get this explanation deleted and on the 27th February, 1984, nine Akali leaders were arrested for burning Article 25 of the Constitution.

Therefore, the Anandpur Sahib Resolution should be read in the light of the underlying Sikh fears with regard to their separate identity. Even opponents of the Anandpur Sahib Resolution, such as the veteran Communist leader Satyapal Dang, admit that during the elections to the Lok Sabha in 1984 Rajiv Gandhi had overplayed the Anandpur Sahib Resolution card obviously for electoral gains.⁸

No honest political analyst can call the Anandpur Sahib Resolution as secessionist or a threat to the unity and integrity of India. The Resolution is entirely within the framework of the Indian Constitution and its purpose is only to provide greater autonomy to the State of Punjab with a view to strengthening the unity and integrity of the country. Sant Harchand Singh

Longowal, President of the Shiromani Akali Dal, had unequivocally declared:

"Let us make it clear once and for all that the Sikhs have no designs to get away from India in any manner. What they simply want is that they should be allowed to live within India as Sikhs, free from all direct and indirect interference and tampering with their religious way of life. Undoubtedly the Sikhs have the same nationality as other Indians."

The Sikhs do not relish the dominance of non-Sikh political parties over them. They cannot be considered as a group of individuals but must be seen as an indivisible community whose loyalty to a secular state was contingent upon the state's recognition of them as a collective group with a historical theo-political status. The state must deal with the Sikhs as one people. It should not try to atomise them into individual citizens.⁹

NOTES AND REFERENCES

1. The 'Caravan', March (First), 1985.
2. Sati Sahni (Ed.): *Centre-State Relations*, p. 57.
3. Satyapal Dang : 'Politicisation in Punjab', a Chapter in *India-Nation, State and Communalism*, p. 105.
4. Sati Sahni (Ed.), *op. cit.*, p. 160.
5. The 'Young India', 1st October, 1925.
6. Tendulkar, D.G. : *Mahatma*, Vol. VIII, p. 33.
7. *Ibid.*, p. 213.
8. Satyapal Dang : *Genesis of Terrorism*, p. 17.
9. Gurnam Singh : *A Unilingual Punjabi State and The Sikh Unrest*, pp. 10-17.

Chapter 3

Save Democracy Campaign

Sikh Renaissance in the present context started with the celebration of anniversaries of religious and social importance, beginning with the celebration of the tricentenary of the birth-day of Guru Gobind Singh in 1966, followed by the five-hundredth birth anniversary of Guru Nanak in 1969, the hundredth year of the founding of the Singh Sabha movement in March 1974, and the three hundredth year of the installation of the Granth Sahib in October, 1974. The Punjab Government as well as the S.G.P.C. donated large sums of money for the Guru Gobind Singh Foundation and the Guru Nanak Foundation formed to organise important religious celebrations, to arrange translations of scriptural writings, to hold seminars, to arrange chairs in the Universities, and to set up educational institutions in villages and small towns. These foundations inspired the Sikh masses, and a large number of educational institutions cropped up throughout Punjab. A large number of rural students got admissions in these institutions and it created a new rural, educated middle class amongst the Sikhs.

Another factor which contributed to new trends in the Sikh Politics of the present times was the overall prosperity of Punjab due to the Green Revolution. Punjab has an agro-based economy and it has the highest per capita income of Rs. 1482 at 1974-75 prices against the All-India average of Rs. 850.¹ Due to this rise in income from agriculture, it became a profitable business and farming became more and more mechanised. But due to the socialistic policies of the Central Government, ceilings on land holdings were imposed. Punjab Security of Land Tenures Act, passed in 1953, fixed the permissible area of an agricultural landholding at 30 standard acres or 60 ordinary acres whichever was less. Later, in 1972, the Punjab Land Reforms Act was passed which brought down this ceiling to approximately 28 ordinary acres for a family.

Reaction to these socialistic policies of the Government of India was more sharp in Punjab, where, in the peasant-proprietary agrarian structure, even small farmers share the ethos of the landed property-owners. The Sikhs depended upon three major occupations in the pre-partition days. Military service and road transport were the other two major occupations followed by the Sikhs. But due to the new recruitment policy followed by the Government of India, which was based on the principle of recruitment in proportion to population, the number of Sikh recruits declined sharply. In a speech in the Lok Sabha on the 14th March, 1974, Mr. Jagjivan Ram, the then Minister of Defence, said :

"In order to broad-base recruitment in the various states, the recruitment demands placed on Punjab, Himachal Pradesh and Haryana have had to be reduced recently, as recruitment from these states has been much heavier than their due proportionate share in the past."²

This hurt the Sikh psyche, one of the most important strands of which is the belief in their martial spirit, physical prowess and virility. Of all the martial classes in India, the Khalsa, though a fraction of our total national population, may legitimately take pride in their renown as soldiers, and in contributing to the Indian military history what has been and will ever be envied even by such militaristic countries as Germany, Japan and post-War Russia.³ Now, as ever before, the Khalsa, and the spirit of Khalsa, would seem to be the only hope of survival against the Chinese, as also against any other aggressor, who may dare to cross into India.⁴

The new recruitment policy based on percentage of population threatened to reduce the recruitment of the Sikhs from about thirty per cent at the time of partition of the country to a mere two per cent in the near future.

Sensing resentment amongst the Sikh soldiery which had a tradition of military service for several generations, the Defence Ministry was constrained to explain :

There has been no change in the policy on the representation of the Sikhs in the Army and there need not be any fear or alarm that any injustice would be done to any area or community. The Sikh Regiment and the Sikh Light Infantry regiments are entirely reserved for the Sikhs. The Sikhs also have approximately 50 per cent reservation in the

Punjab Regiment, besides having a sizeable representation in the Guards, Paras, Mahar and J&K Rifles. Further, the Sikhs have secured more than their proportionate share of representation in other arms and services like the Artillery, Engineers and the Armoured Corps.”⁵

But the discontentment amongst the Sikhs on the issue of recruitment continued, and on the 8th April, 1974, eight members of Parliament from Punjab submitted a memorandum to the Prime Minister of India saying that many recruits from other states enrolled under the population percentage policy “do not have aptitude for military service and the required physical fitness” and, therefore, the earlier system of recruitment should be continued. However, the new policy of recruitment continued.

The government also nationalised road transport service thereby blocking avenues of business and employment for the Sikhs. This pushed up migration of the Sikhs from Punjab to foreign countries where lucrative jobs were available. More than two lakh Sikh youths settled down outside India during the three decades since Independence, according to official figures. Many more went abroad later. Against this, there was a large-scale immigration of the Hindus into Punjab, drawn in by the state’s prosperity. There were mass arrivals of labourers, almost entirely Hindus, from the poorer parts of India like the eastern Uttar Pradesh, Rajasthan, Bihar and Madhya Pradesh. By 1981, these outsiders constituted as much as 37.7 per cent of the labour-force working on the fields of Punjab. Thus, once again, the demographic balance came under the danger of turning against the Sikhs. By 1980, the Sikhs constituted only 52 per cent of the population in their own homeland. The Sikhs, who believed that a State in which they formed a majority of population would somehow ensure the continuance of Khalsa tradition and arrest the relapse of the Sikhs into Hinduism, were disappointed with this trend.

The Anandpur Sahib Resolution, therefore, specifically dealt with the problems of the Sikh soldiers and promised :

“Particularly in the defence services, efforts will be made to maintain the conventions of the Sikhs and the demands of the Sikh soldiers would be constantly kept in view. Shiromani Akali Dal will also try that the Kirpan (sword) becomes an integral part of the Sikh soldiers’ uniform. Favourable atmosphere will be created for the rehabilitation

of ex-servicemen, and for the revision of necessary concessions and safeguards for their rights, so that they live a life of self-respect."

It was this programme of the Akali Dal which attracted a large number of ex-servicemen to its ranks.

Sikh freedom fighters and their families had been allotted barren agricultural lands by the Government of joint Punjab after the partition of the country, in the districts of Hissar and Karnal, which, on reorganisation of the state on linguistic basis in 1966, went to Haryana. Akali Dal in its Anandpur Sahib Resolution had claimed these areas for Punjab on the ground that they were Punjabi-speaking and had been wrongly allotted to Haryana. In order to make the Haryana case stronger before a Boundary Commission which may be set up to resolve this dispute, the Congress Government in Haryana, then headed by Ch. Bansi Lal, started evicting these Sikh farmers from their lands, so that the percentage of Punjabi-speaking population was diluted. The indiscriminate cancellation of their lease-deeds and their mass exodus created a great resentment in Punjab.

Punjab farmers were also unhappy with the policies of the Congress government at the Centre. The Central Government had imposed agricultural commodity zones across which trade was not permitted except under a central licence. The object was to reduce prices for supply to urban areas and marginal rural areas through the government's fair price shops. The farmers in Punjab felt that this policy of licencing trade in foodgrains was meant to benefit the Hindu businessman and was against the interest of the farmers. They reasoned that they were not getting proper price for their produce, while they were to pay much more for the fertilizers and other inputs which were in short supply.

The Kisan Sangharsh Samiti of Haryana, a counterpart of the Punjab Kisan (Akali) Dal, organised a political conference at Karnal on the 1st June, 1973, and all Kisan and Akali leaders were invited to participate. It was to demand higher procurement prices for wheat and paddy and the supply of inputs at low prices. But the Bansi Lal Government arrested the Akali leaders on their way to attend the conference when they were only a few miles away from its venue. Sardar Raghbir Singh, convener of the Akali-backed Kisan Sangharsh Samiti, announced that the conference would now be held on the 21st July, 1973 at Karnal. The Haryana Government imposed a ban one day earlier on the

holding of Public meetings within the municipal limits of Karnal. The ban was to remain in force upto the 31st July, 1973. The Samiti started a farmers' agitation on the 21st July by defying the ban and offering mass arrests. Various opposition parties who also wanted to dislodge Ch. Bansi Lal's government extended their support to the agitation and Acharya J.B. Kripalani, Mr. Atal Bihari Vajpayee, Mr. Raj Narain, Mr. Rabi Ray and Mr. Piloo Modi also courted arrest. By the 30th July, the number of the arrested persons exceeded two thousand. Sensing mass support for the agitation, Ch. Bansi Lal dared not extend the ban. But, even after withdrawal of the ban on meetings, Ch. Bansi Lal did not release the arrested leaders. This left a great deal of bitterness amongst the farmers.

A sociological survey of the present extremists reveals that they mainly come from landlord, rich peasant and upper urban middle families while poor peasants contribute only about 15 per cent. The reason for this is that due to the Green Revolution, a powerful class of rich peasants has arisen in Punjab which wants avenues for investment. Adequate attention to the development of industry in Punjab was not given at the proper time even when it had become urgently necessary from the viewpoint of agriculture itself. The resulting situation gave rise to a number of demands and problems. Since an overwhelming majority of these farmers are Sikhs, they are aligned to Akali Dal. They are a dominant force in the economy of the state. They also wanted to rule over the state, but this was not possible due to the socialistic policies of the Congress Government at the Centre which had the backing of the agricultural labourers and the Scheduled Castes. To safeguard the interests of these Sikh farmers, Akali Dal pleaded: "When we produce agricultural goods, why should we not have the right to sell them at the highest available price in the international market? Why should we be forced to sell our produce to the Government of India at the price fixed by it for deficit Indian states?" As the Central Government is dominated by Hindus and the deficit Indian states for which it procured foodgrains at cheaper rates were also populated by Hindus, Akali Dal converted this purely economic demand into a protest against discrimination against the Sikh farmers. Thus the demand for greater state autonomy for Punjab caught the imagination of the Sikh agriculturists. Some of them went to the extreme and demanded separate political entity and even Khalistan.

In the urban areas, trade in foodgrains is dominated by the Hindu trading class which exploits the Sikh farmers. This, too, had contributed to the Punjab problem.

Thus the discontentment of the people of Punjab, which is the direct result of the anti-people economic policies of the Government of India – resulting in growing disparities, growing unemployment, growing atrocities on weaker sections, and growing corruption etc. – have been helping the extremist elements in the state.

The educated youth coming from rich and middle peasant families of Punjab who did not find avenues and opportunities of employment have also joined the extremist ranks.⁶

There came into existence two lobbies in the Akali ranks. The moderates like S. Parkash Singh Badal pleaded for seeking help of the national opposition to launch a struggle for the welfare of the farmers, but the extremist lobby, led by S. Gurcharan Singh Tohra, President of the S.G.P.C., wanted to spotlight the question of interference in the religious affairs of the Sikhs. Ultimately, the extremists' view prevailed, and, on the 28th March, 1974, S. Gurcharan Singh Tohra announced the details of the agitation according to which a batch of volunteers was to leave the Akal Takht on the 10th May, 1974, to press the demands :

- (a) Early elections to the Delhi Gurdwara Parbandhak Committee.
- (b) Scrapping of the law according to which Income-tax returns were to be filed on the income of the Gurdwaras.
- (c) Exemption of the Gurdwara lands from the Land Ceiling Act.

The government conceded all the demands and thus the agitation was averted. On the 30th March, 1974, elections to Delhi Gurdwara Parbandhak Committee were held in which the Sant Akali Dal came out victorious by winning 31 out of 46 seats.

But peace in the state was only short-lived. On the 12th June, 1975, Justice J. L. Sinha of the Allahabad High Court set aside the election of Smt. Indira Gandhi, the Prime Minister of India, to the Lok Sabha, as he found her guilty of electoral corrupt practices in the Rae Bareli election, and debarred her from all elective offices for six years. But Smt. Indira Gandhi decided not to lay down her office. The opposition parties held meetings and

planned a mass movement on a national scale to compell Smt. Gandhi to resign. However, the President of India signed an order on the 26th June, 1975, declaring a state of Emergency due to "internal disturbances threatening the security of India". Thus the Prime Minister assumed dictatorial powers through a series of extraconstitutional measures. The Emergency vested the government with powers of press censorship and detention without trial. The Maintenance of Internal Security Act (MISA) was amended by an Ordinance to the effect that no grounds need be given for detention of any detenu under the Act. Through the 39th Constitutional Amendment the decision of Justice J.L. Sinha was annulled, and through the 41st Amendment the Prime Minister was given immunity from criminal and civil proceedings. It also made the electoral offences of the Prime Minister beyond the scrutiny of the courts.

The Akali Dal Working Committee met at Amritsar on the 7th July, 1975 and declared the party's resolve to fight, tooth and nail, against the Emergency provisions which curtailed the civil liberties of the people and suspended fundamental rights guaranteed under the Constitution. The meeting authorised top Akali leaders to announce the details of the struggle. Accordingly, on the 9th July, 1975, Sardar Gurcharan Singh Tohra, S. Parkash Singh Badal, S. Jagdev Singh Talwandi, S. Atma Singh and S. Basant Singh Khalsa addressed a huge congregation and took out a procession at Amritsar. They all courted arrest by defying the prohibitory order. Before courting arrest, these leaders issued a statement to the press which read :

"The Sikhs have always been in the vanguard of Freedom Movement in the country. The Sikhs not only fought against the Mughal oppression, but also resisted the imperialist British and made innumerable sacrifices in the cause of justice, freedom and democracy. Today, again, a situation has arisen due to the imposition of internal emergency, resulting in gagging of the press, scrapping of fundamental rights and suffocating of democracy, that, it seems, whatever we fought for and achieved, is being annihilated."

The Akali volunteers continued to defy the ban regularly and more than 45,000 volunteers including eighteen Akali legislators were arrested. In fact, the Central Government had not expected such a mass movement against Emergency from the Akalis, although they had earlier collected an unprecedented crowd of

half a million people at Ludhiana for offering a rousing welcome to Shri Jai Prakash Narain.

Sant Harchand Singh Longowal was appointed dictator to run this 'Save Democracy' agitation. He told pressmen in an interview:

"The question before us is not whether Smt. Indira Gandhi should continue to be the Prime Minister or not. The point is whether democracy in this country is to survive or not. The democratic structure stands on three pillars, namely, a strong opposition, independent judiciary and free press. Emergency has destroyed all these vitals."

Smt. Indira Gandhi was worried by this agitation as she apprehended that it would encourage disobedience in other parts of the country. She, therefore, approached Akalis to side with the government against the Jan Sangh whose active wing, R.S.S., had been banned on the 4th July, 1975. The Jan Sangh was considered to be an anti-Sikh organisation representing the urban middle class Hindus. In many areas the R.S.S. is known as the Bania or traders' party and these traders had got frightened at government repression. The then chief of the R.S.S., Madhukar Dattatreya Deoras, had been arrested and from jail he pleaded for a compromise with Smt. Indira Gandhi through letters written from the jail.⁷ In one of these letters, Shri Deoras congratulated Smt. Indira Gandhi on her victory in the Supreme Court absolving her of any wrong-doing in the 1971 elections, and there was an offer to put one lakh R.S.S. volunteers at her command.⁸

There was a lobby amongst Akalis which was of the view that Akali Dal should not feel touchy as emergency was not directed against the minorities, and certainly not against the Sikhs. Moreover, the Sikhs, according to these leaders, could ill-afford to wage a futile war on behalf of the whole country which stood lulled to sleep and especially when the Sikhs' rights were not at all at stake.⁹ While S. Parkash Singh Badal and S. Jagdev Singh Talwandi were in favour of launching an agitation, many others favoured a 'wait and watch policy' at this stage. But, later on, they all opted for launching a 'Save Democracy' struggle. Later, at a public meeting at Jalandhar, Mrs. Gandhi's supporters even alleged that the Akalis had been arrested "at their own request."¹⁰

Even when the Akali leaders were detained in Tihar Jail (Delhi), Smt. Indira Gandhi offered to form a coalition gover-

nment with them in Punjab with S. Parkash Singh Badal as Chief Minister and sixty per cent of the ministers too from the Akalis. But the Akalis rejected this offer. The Akali agitation continued without yielding to temptations.

On the 8th December, 1975, Smt. Indira Gandhi with a view to winning the Sikh support addressed a huge Sikh congregation at Ram Lila Grounds of Delhi on the occasion of the Martyrdom Day of Guru Tegh Bahadur. She traced her ancestry to the Pandits of Kashmir, to save whose honour Guru Tegh Bahadur had sacrificed his life. She wore the Punjabi dress of Salwar-Kameez on that occasion although she generally adorned herself with a Saree. She ended her speech with the Sikh slogan "Bole So Nihal". Her lieutenants, Giani Zail Singh and Jathedar Santokh Singh, in their speeches complimented her for marrying her son Sanjay Gandhi in a Sikh family. But another speaker on the stage took the wind out of this balloon by suggesting that Smt. Gandhi should announce that she will baptise her grandson (Sanjay Gandhi's son) as a Sikh. Smt. Gandhi dared not do that and the whole effort to win Sikhs' sympathy proved fruitless.

Although the entire agitation against the Emergency was directed from the Golden Temple, no leader raised any objection against the use of Gurdwaras for political purposes. Rather, many a leader paid compliments to the Sikh community for their steadfast struggle against the Emergency. Mrs. Vijaya Lakshmi Pandit said while addressing a public meeting at Chandigarh:

"Punjab which had always been in the forefront of resistance to oppression kept its colours flying during the Emergency also. It was in Punjab and Punjab alone that a large-scale resistance was organised against it. The worst thing that happened during the Emergency was that a brave nation was frightened into submission and nobody spoke except in hushed tones. In Dehra Dun, where I was, I hung my head in shame and wondered if this was the Bharat for which we, the freedom-fighters, had suffered. Even those not actually in prison were no less in jail. Only in Punjab the Akalis organised a morcha against this. Punjab's lead in such matters should continue."¹¹

A meeting between Giani Zail Singh as representative of Smt. Indira Gandhi and Jathedar Tur and S. Surjit Singh Barnala representing Akalis was also held at the house of Prof. Bharpur Singh to patch up differences between Akalis and the government but it bore no fruit.¹²

When the attempts at reconciliation with Akalis failed, Smt. Indira Gandhi struck another blow on the Punjab peasants who were enthusiastically supporting the Akali agitation against the Emergency. Under Section 78 of the Punjab Reorganisation Act, it was laid down that the rights and liabilities of the successor States in the Bhakra-Nangal and the Beas Projects would be as agreed to by them, but, in the absence of any such agreement within two years, they would be determined by the Central Government. As no compromise was reached between the concerned States on the issue, the Central Government allotted, on the 24th March, 1976, when the country was under the Emergency, the Ravi-Beas waters in the following manner:

Rajasthan	8.00	M.A.F.
Haryana	3.50	"
Punjab	3.50	"
Delhi Drinking Water Supply	0.20	"
 Total :	 15.20	 "

When the Central Government issued the aforesaid order, not only the Centre but also both Punjab and Haryana were governed by the Congress governments. Therefore, this order added to the anger of the Sikh peasantry. The Akalis rejected the award on the ground that Section 78 of the State Reorganisation Act, under which the award was given, was discriminatory and unconstitutional.

In January, 1977, the Emergency was withdrawn and the arrested Akali leaders were released.

On the 18th January, 1977, the President of India dissolved the Lok Sabha and ordered fresh elections. Akali Dal, which had emerged as a popular party in Punjab, decided to field its top leaders in the elections. In their Election Manifesto they pledged re-appraisal of the Constitution, restoration of civil liberties, revocation of the Emergency, repeal of MISA, the Press Objectionable Matters Act and also of the Forty-second Constitutional Amendment which was repugnant to the federal and democratic principles and dangerous to the interests of the minorities. Out of a total of thirteen Lok Sabha seats of Punjab, Akalis won their highest ever number of seats: nine of their candidates (Tohra, Badal, Talwandi, Tur, Dhillon, Barnala, Gulshan, Saianwala and Khalsa) were declared elected. The Janta Party got the remaining 4 seats, while the Congress and the C.P.I. were completely rou-

ted. Akalis joined the coalition government at the Centre with the Janta Party. The Akalis got two ministerial berths in the Union Government, S. Surjit Singh Barnala being taken as the Agriculture Minister and S. Dhanna Singh Gulshan as a Minister of State.

On the 30th April, 1977, Mr. B. D. Jatti, the then Acting President of India, dissolved nine Congress-run State Assemblies and ordered fresh elections. Thus the Punjab Assembly also stood dissolved and fresh elections were fixed for the 12th June, 1977. The Akalis entered into an electoral alliance with the Janta Party and the C.P.M. This alliance got a thumping majority. The Akalis polled 31.41 per cent votes and captured 58 seats out of a total of 117. But, while the Akalis obtained maximum votes of the Sikh peasantry, they could not make a dent in the urban areas. The Congress party could secure only 17 seats but came out as the largest single vote-getter with 34.0 per cent votes. The Communists polled ten per cent of votes. The C.P.I. and the C.P.M. secured 7 and 8 seats, respectively. The Janta Party captured 25 seats while independents got only 2 seats.

After the Lok Sabha polls, S. Parkash Singh Badal was inducted as Union Minister for Agriculture and he served as such from the 26th March, 1977 to the 17th June, 1977. But he was more interested in the State politics and he was also acceptable to the Akali-Janta alliance in Punjab as Chief Minister. He was, therefore, persuaded to contest the Punjab Vidhan Sabha election from the Gidderbaha Constituency. He was elected and was sworn in as the Punjab Chief Minister on the 20th June, 1977.

But the Akalis were soon disillusioned. The Janta Party had leaders at its apex who were far greater hardliners about the Sikh demands than even Smt. Indira Gandhi. Two of the three Congress ministers who had opposed the formation of Punjabi Suba in 1966 were now in the Janta Cabinet. They had not shed their anti-Sikh bias. Morarji Desai had become Prime Minister, while Biju Patnaik was now Minister for Steel and Mines. In addition, there was the new Home Minister, Ch. Charan Singh, a Hindu Jat, and a follower of the proselytizing Arya Samaj. He had his personal prejudices against the Sikhs as his hard-core supporters were the Hindu Jats of Haryana.¹³

The Akalis pressed the Janta Government to repudiate the 1976 Award of the Congress Government relating to the allocation of Ravi-Beas waters but the Janta leaders refused to do

so. Under these circumstances, the Punjab Government, led by the Akalis, challenged the validity of the 1976 Award as well as of Sections 78 to 80 of the Punjab Reorganisation Act in the Supreme Court of India under Article 131 of the Constitution of India, on the 11th July, 1979, praying for setting aside of the Award. The Haryana Government had already moved the Supreme Court on the 30th April, 1979 to get declared the Award as final and binding and for issuing a directive to the Government of India for getting the said Award implemented immediately.

The difficulty with the Sikh politics is that they never seek expert advice even on technical problems. For example, the Akali Government had, before filing the suit, set in motion the process of construction of Sutlej-Yamuna Link Canal which was to carry Haryana's share of water under the 1976 award. Badal's government of Punjab had accepted even one crore of rupees from Haryana during March, 1979 and set in motion proceedings under section 17 of the Land Acquisition Act to acquire land as an emergency measure. In fact, S. Parkash Singh Badal, being a close friend of Ch. Devi Lal, who was Chief Minister of Haryana at that time, had, at the latter's instance, agreed that the construction work of Sutlej Yamuna Link Canal in the Punjab territory would be inaugurated by Badal.

When the suit filed by Punjab in the Supreme Court was still pending, the Janta Government at the Centre fell due to defection in July, 1979 by Ch. Charan Singh. In the elections which followed the Congress (I) came to power at the Centre as well as in Punjab and Haryana. Smt. Indira Gandhi again became the Prime Minister of India and she directed the successor Congress (I) Governments in Punjab and Haryana to withdraw their suits.

The Sikhs' grievance in this regard was summed up by the Council of Sikh Affairs, Chandigarh, in the following words:

"The decision on the division of water and power resources of Punjab rivers has been extremely discriminatory, unfair and illegal. The internationally accepted riparian laws have been flouted. A preponderant part of the energy and water resources of Punjab rivers, not even one of which flows in Haryana, Rajasthan or Delhi, has been allotted to these states. The total river waters to be divided are 15.20 million acre feet. Out of it, the present Central Government decisions and award give only 3.5 million acre feet of water to Punjab. The rest has been allotted to Haryana, Rajasthan and Delhi. Punjab's irrigation system has been constructed

on the basis of using a major part of the total waters. In fact, a major part of 15.2 M.A.F. is being actually utilized by Punjab today. The Akali Government filed a case in the Supreme Court, but the same has been got stayed with a view to withdrawal by the Congress Government. The discrimination is almost high-handed, open and obvious. It affects adversely practically every person of rural and urban Punjab. If the present decisions are implemented, large areas of Punjab, now getting water, will have to go without it and become virtually waste land.”¹⁴

After the withdrawal of the suits from the Supreme Court, Smt. Indira Gandhi made the Congress Chief Ministers of Punjab and Haryana “agree” to the following redistribution of water, and on the basis of this so-called ‘agreement’ gave her ‘Award’ with regard to this redistribution on the 31st December, 1981 :

Punjab	4.22	M.A.F.
Haryana	3.50	"
Rajasthan	8.60	"
Delhi Water Supply	.20	"
Jammu & Kashmir	.65	"
<hr/>		
Total :	17.17	"
<hr/>		

The Akalis rejected this ‘agreement’ and award too as the increase in the share of Punjab was illusory since the total supply was stated to have increased from 15.20 M.A.F. to 17.17 M.A.F. which was only a jugglery of figures.¹⁵

While the Janta Government was still in power in Haryana, the police fired at Nihang Sikhs at Pundri near Kaithal, killing 3 of them. The reason was the dispute between the Municipal Committee Kaithal and the Nihangs over 20 kanals of land attached to the Samadhi of the former Sikh ruler of Kaithal which Nihangs had been occupying since long. The shooting caused tension amongst the Sikhs and several Sikh leaders reached the spot making the situation conflagratory. Baba Santa Singh Nihang, head of the Budha Dal, demanded judicial enquiry into the police firing and directed Nihang Sikhs all over the country to march towards Pundri. However, a compromise was reached on the 21st February, 1978 and Baba Santa Singh called off his agitation. But the incident left a trail of bitterness amongst the Sikhs.

With all these events leading to frustration amongst the Sikh youth, the spirit of militancy grew and a few educated Sikh youths formed a new party, called Dal Khalsa, on the 13th April, 1978 to oppose the Akalis in the coming Gurdwara elections. The inaugural meeting of this party was held in the Aroma Hotel at Chandigarh and, surprisingly, the bill of 600 rupees was paid by the then Congress Chief Minister, Giani Zail Singh.¹⁶ The Giani continued promoting Dal Khalsa by contacting journalists on telephone and requesting them to give coverage to it on the front page.¹⁷ Half a dozen of Dal Khalsa activists demonstrated in Chandigarh in 1978 in front of the S.G.P.C. office where the Working Committee of the Akali Dal was meeting, and presented bangles to the Akali leaders.¹⁸ The patience of the Sikh youth was getting stretched beyond limits and they had started feeling that nothing could be achieved through negotiations. Dal Khalsa activists announced that they wanted Khalistan. A new trend in the Sikh politics became visible.

NOTES AND REFERENCES

1. Punjab Government : *Facts About Punjab*, p. 11.
2. Ranjit Roy : 'The Myth of the Martial Races' (Art); in the 'Sunday', 18th August, 1974.
3. Shiva Tosh Das : *Indian Military*, p. 65
4. *Ibid.*
5. Khushwant Singh : *A History of the Sikhs (Volume II)*, p. 320.
6. Satyapal Dang : *Genesis of Terrorism*, p. 15.
7. Akbar, M.J.: *India: The Siege Within*, p. 308.
8. *Ibid.*
9. Gur Rattan Pal Singh : *The Illustrated History of the Sikhs*, p. 318.
10. Manekkar, D.R.: *Decline And Fall of Indira Gandhi*, p. 197.
11. The 'Tribune'; 13th March, 1977.
12. Gur Rattan Pal Singh, *op. cit.*, p. 321.
13. Akbar, M.J., *op. cit.*, p.182.
14. Anonymous : *The Sikh Standpoint -- Punjab Crisis*, p. 7.
15. 'The Illustrated Weekly', 10th April, 1983.
16. Mark Tully: *Amritsar: Mrs. Gandhi's Last Battle*, p. 60.
17. *Ibid.*
18. Akbar, M.J., *op.cit.*, p. 182.

Chapter 4

The Nirankari Episode

The Baisakhi Day (13th April) has throughout been of historical significance for the Sikhs. Before the advent of Sikhism, people of Punjab believed that it was on this day that the sun first showed itself on the earth to give light to the new world and begin the solar era.¹ People celebrated it as an auspicious day. In 1566, Guru Amar Das ordered the Sikhs to come to Goindwal for congregation on the Baisakhi. Since then large Sikh congregations are being held on this day every year. Guru Tegh Bahadur was proclaimed as the ninth Guru of the Sikhs on this day in 1665. Guru Gobind Singh created the Khalsa on the Baisakhi of 1699.

Guru Gobind Singh sent Banda Bahadur to Punjab with a 'Hukamnama' to his Sikhs to help Banda in fighting the Mughals. Banda established a Punjabi State in Punjab and in 1713 visited Amritsar on the Baisakhi day and honoured his deputies.² But Banda's victory was short-lived as he alienated the Sikhs by his un-Sikh-like conduct. But, again, on the Baisakhi of 1765, the Sikhs met at Amritsar and decided to capture Lahore, and, three weeks later, not only occupied Lahore but also seized the mint to coin the Nanakshahi rupee-coins to proclaim their sovereignty over the Punjab.³ In 1801, on the Baisakhi day, Maharaja Ranjit Singh, the first Sikh Ruler of Punjab, got himself coronated as the Maharaja of Punjab and also got minted new coins which were thenceforth recognised as the standard coins of the Sikhs. Exactly forty-eight years later, on the Baisakhi day itself, Dalhousie announced annexation of Punjab to British India.

History repeated itself on the Baisakhi of 1978 when an episode at Amritsar gave "a new start to the history which shall end in victory of the Khalsa."⁴ On that day, "a dozen and a half Sikhs were massacred by an organised band, when these peaceful Sikhs were marching towards a pre-arranged gathering of a new permissive sect, where grave and malicious insults were being

audaciously hurled at the Sikh religion and Sikh beliefs and sentiments."⁵

According to press reports, a pseudo-guru of a sect, called Nirankaris, named Baba Gurbachan Singh, who was "a *persona grata* with the Government of India,"⁶ was making, for the last several years, foul utterances about the Sikh Gurus and even the Sikh scripture, Guru Granth Sahib, which he used to refer to as a plethora of paper. Patronised by the rulers of Delhi,⁷ he felt emboldened and began taking out processions and holding public meetings. This was strongly resented by the Sikhs and there were some skirmishes too between them and the Nirankaris. On the 17th September, 1973, Baba Bahra Singh of Chowk Mehta, Amritsar, a member of the Bhindrawale sect (then headed by Sant Kartar Singh), had moved an application before the District Magistrate, Amritsar, complaining that Baba Gurbachan Singh, by his anti-Sikh utterances, was causing apprehension of breach of peace.⁸ In the same year, a clash occurred between the Nirankaris and the Sikhs at Ludhiana. The Police had to use tear gas to separate the two clashing groups and more than 800 people were arrested. The S.G.P.C. President, S. Gurcharan Singh Tohra, wrote a letter to Baba Gurbachan Singh, protesting against his anti-Sikh utterances. In reply, Baba Gurbachan Singh gave an assurance that in future he would not say anything which might cause offence to the Sikhs.

But as Baba Gurbachan Singh enjoyed political patronage of the anti-Sikh rulers of Delhi, he did not desist from his anti-Sikh utterances and activities. In 1973, he was issued a Diplomat's passport for his foreign tour of England, America, Canada and Singapore. The Ministry of Foreign Affairs, Government of India, sent letters and telegrams to its ambassadors that the Baba should be welcomed. When the Sikhs of Iran came to know about this government backing, they strongly protested against this anti-Sikh stance of the Government, and, as a result, diplomatic privileges were withdrawn from the Baba.

Thereafter, in January, 1976, again a clash occurred at a place in Amritsar district, as a result of which several persons were injured.

It was in such surcharged atmosphere that the authorities permitted the Nirankaris to take out a procession in Amritsar on the Baisakhi of 1978, and also to hold a conference on the Railway land near Fort Gobind Garh, fully knowing that a big Sikh congregation would be held nearby on the campus of the

Golden Temple, which would be attended by the Sikhs from all over Punjab and even from other states of India. Gurbachan Singh sent out invitations to his followers all over India to come to Amritsar on the 13th April, 1978, to attend his function.

During the procession, Baba Gurbachan Singh and his followers made provocative anti-Sikh remarks. After the procession ended, some followers of Sant Bhindrawale and Bhai Randhir Singh, attending the congregation in the Golden Temple campus, marched to the site of the Nirankari congregation to request Baba Gurbachan Singh to stop his anti-Sikh campaign. There was a posse of police guarding the route to the pandal. About two furlongs short of the pandal the police blocked the way of the protesters under instructions from Gurbachan Singh. However, the members of the sikh Jatha forced their way through the police cordon, but they had to face a shower of bullets from the private army of Gurbachan Singh, already armed and arrayed, despite the presence of the police. To prevent the Sikhs from escaping, the police burst tear-gas shells and bullets aimed at the Sikhs. On the spot lay 13 dead, and more than a hundred wounded, some of whom died in hospitals later.⁹

An F.I.R. (No. 88) was lodged by the Sikhs at the Police Station, D. Division, Amritsar, on the 13th April, 1978 alleging that the Nirankaris had attacked the Sikhs with fire-arms and stones. But, instead of arresting Baba Gurbachan Singh, the chief culprit named in the F.I.R., the police whisked him under its escort to Delhi for an immediate audience with the Prime Minister of India and other dignitaries to ensure his safety.

When the Sikhs demanded early arrest of Baba Gurbachan Singh, a senior police officer of Punjab was specially sent to Delhi to arrest Gurbachan Singh, but he received no help from the Delhi police. A fugitive from law, Gurbachan Singh got himself admitted in a hospital where he was said to be under treatment for a heart attack. Mr. Vajpayee, Minister of External Affairs, advised Gurbachan Singh to obtain pre-arrest bail.¹⁰

The incident created a stir in the whole Sikh community and even Sikh Saints like Sri Singh Sahib Harbhajan Singh Yogi gave a call to the Sikh nation, "In the name of Guru Gobind Singh, I ask every Khalsa, wherever they may be, to unite and to act so that we may not allow the repetition of such an inhuman act."¹¹ He further advised the Sikhs, "In the worst time of history, this kind of massacre has never happened. Therefore, try to understand that the time has come to leave everything aside, and to

organise in body and spirit, so that wherever the Khalsa is, it should be one in the name of the father, Guru Gobind Singh. Numbers do not count now. The oneness of the spirit will count.”¹² Yogi Ji further said, “Today I read the newspaper report in which it was said, ‘a body of the fanatic Sikhs....’ If doing a kirtan and defending the good name of our father Guru Gobind Singh makes us fanatics, we welcome this allegation. Remember, those who do not defend the grace of their father are never worthy of any respect on the earth. These martyrs of Amritsar have shown us that we shall live in grace; if it is not possible, we choose to die in grace.¹³

Thirteen Sikhs who had died on the spot by Nirankari firing on the 13th April, 1978, at Amritsar were identified as :

1. Bhai Fauja Singh son of Surain Singh r/o Amritsar.
2. Bhai Avtar Singh, son of Bhagwan Singh, r/o V. Khuda Kurala, Distt. Hoshiarpur.
3. Bhai Harbhajan Singh, s/o S. Jagat Singh, r/o V. Bhatian, Distt. Gurdaspur.
4. Bhai Piara Singh, s/o S. Kishan Singh, r/o V. Bhungami, Distt. Hoshiarpur.
5. Bhai Raghbir Singh, s/o S. Nawab Singh, r/o V. Bhagupura, Distt. Amritsar.
6. Bhai Gurcharan Singh, s/o S. Dalip Singh, r/o 3209, New Model Town, Ludhiana.
7. Bhai Gurdial Singh, s/o Sohan Singh, r/o V. Mode, District Amritsar.
8. Bhai Amrik Singh, s/o S. Kundan Singh, r/o 2, Ajit Nagar, Amritsar.
9. Bhai Dharambir Singh, s/o S. Lal Singh, r/o 2, Ajit Nagar, Amritsar.
10. Bhai Kewal Singh, s/o S. Amar Singh, r/o Premgarh, Hoshiarpur.
11. Bhai Hari Singh, s/o S. Gurcharan Singh, r/o Kot Ralia Ram, Amritsar.

12. Jathedar Ranbir Singh, s/o S. Kala Singh, r/o V. Thiraj, Distt. Faridkot.
13. Baba Darshan Singh, s/o S. Achhar Singh, r/o V. Mehta, Amritsar.

The dead bodies of the aforesaid persons were taken out in a procession for cremation on the 15th April, 1978, but when it was going from Gheo Mandi towards Bibeksar cremation ground, the Sultanwind Police Post, Amritsar, opened fire at the processionists, as a result of which one S. Surinder Singh, s/o S. Lal Singh, resident of street No. 6, Telephone Exchange, Amritsar, died, while many were injured, of whom one Kashmir Singh, r/o Sultanwind (Amritsar) died later in the hospital. Anyhow, the dead bodies were cremated and the city observed complete hartal that day. Thereafter, on the 23rd April, 1978, the Sikhs all over India observed martyrdom day in the memory of those who had died because of firing by the Nirankaris on the Baisakhi day. The Sikhs demanded immediate arrest of Baba Gurbachan Singh and his associates.

Under pressure of public opinion, the Punjab police despatched several police parties to Delhi to arrest the persons in question. S. Parkash Singh Badal, Chief Minister of Punjab, also went to Delhi to seek assistance from the Delhi Administration, but Baba Gurbachan Singh escaped arrest.

Baba Gurbachan Singh applied to the Punjab & Haryana High Court, Chandigarh, for pre-arrest bail, but the same was rejected by Mr. Justice Sandhawalia on the 9th May, 1978. He moved the Supreme Court of India, New Delhi, which allowed him interim conditional bail. One of the conditions of his bail was that he would appear before the Judicial Magistrate, Amritsar, on the 30th May, 1978. However, instead of appearing before the magistrate on the due date, he sent a medical certificate to seek exemption. He moved a second application for bail before the Punjab & Haryana High Court, Chandigarh, which too was rejected by Mr. Justice Jain on the 30th May, 1978. He moved another application before the Supreme Court which was accepted. Moreover, the Supreme Court allowed Baba Gurbachan Singh to make a statement at the Post-Graduate Institute of Medical Sciences, Chandigarh, instead of at Amritsar. The Baba, however, did not reach Chandigarh and got himself admitted in a private nursing home at Delhi. He reached Chandigarh on the 26th June, but somehow his statement could not be recorded.

Meanwhile, the Sikhs held a big convention in the Teja Singh Samundri Hall, in the Golden Temple Complex, Amritsar and authorised the Jathedar of the Akal Takht to issue a Hukamnama (edict) against the Nirankaris for their social boycott by the Sikhs. Accordingly, on the 10th June, 1978, which was the martyrdom day of Guru Arjan Dev, the Jathedar of the Akal Takht issued a Hukamnama to the Sikhs telling them not to have any dealings or relationship with the Nirankaris. This gave a new direction to the Sikh movement against this pseudo sect.

Fearing that the Central Government may not dismiss the Akali-Janta Government in Punjab, a cabinet meeting held at Chandigarh on the 17th June, 1978, held under the Chairmanship of the Chief Minister Parkash Singh Badal, issued a clarification to the effect that the Hukamnama issued by the Akal Takht Jathedar binds only those persons who have faith in the Akal Takht, but it has no effect on others and on the working of the government."¹⁴

The Punjab government then moved an application before the Supreme Court for direction to Baba Gurbachan Singh to join investigation at Amritsar, where the crime had taken place, and get his statement recorded in court. The Supreme Court accepted this application and directed the accused to make his statement before a court on the 18th July, 1978. This time the Baba appeared in the Court of S. Bhagwan Singh, Judicial Magistrate, Amritsar, and made a statement which continued for four days. He stated that he had asked his followers to remain peaceful at all costs and that he knew nothing about the arms held by his followers on the Baisakhi day conference at Amritsar.

Meanwhile, the Nirankaris had moved a transfer application before the Supreme Court to get the session trial transferred to some court outside Punjab. On the 17th July, the Supreme Court transferred the case to the Court of Shri R.S. Gupta, Sessions Judge, Karnal (Haryana).

The Sikh protest movement against the Nirankari activities gained momentum and they demanded that, till the decision of the murder case, the Nirankaris should not be allowed to hold any congregations and their books be proscribed. Sant Jarnail Singh Bhindranwale announced his decision to forcibly stop the Nirankaris from holding their weekly gathering in Punjab. Accordingly, on the 20th August, 1978, the Sikhs did not allow the Nirankaris to hold their meetings at many places in Punjab.

The Akali-Janta government of Punjab declared that it would

not allow the meetings of the Nirankaris to be disturbed. A statement issued by the Government on the 25th August, 1978 said that instructions had been issued by the Government to the district authorities of Amritsar that to uphold the authority of the Government they should act strictly and arrest anyone trying to take the law into his own hands, however big he may be. Sardar Bhagwan Singh Danewalia, Inspector-General of Police, Punjab, who was on leave, was recalled. Accordingly, the Nirankaris held their weekly meeting under police protection on the 27th August, 1978. Harbans Lal Khanna, an M.L.A. of the Jan Sangh (a Hindu party) addressed the gathering of the Nirankaris at Nirankari Bhawan, situated in Rani ka Bagh, Amritsar.

This increased resentment amongst the Sikh masses and also created a rift in the Akali Party. S. Surjan Singh Thekedar of Ludhiana, S. Basant Singh Khalsa and S. Sukhjinder Singh resigned from the Working Committee of the Akali Dal. But S. Parkash Singh Badal prevailed upon them to withdraw their resignations. The Akali Dal Working Committee passed a resolution demanding a ban on the Nirankari literature by the Central Government.

The agitation against the Nirankaris continued gaining momentum. On the 9th September, 1978, Sant Jarnail Singh was to present a memorandum to the Deputy Commissioner, Amritsar, demanding a ban on the Nirankari meetings, but the Deputy Commissioner himself came to Manji Sahib in the Golden Temple complex and received the memorandum.

On the 25th September, 1978, Baba Gurbachan Singh reached Kanpur at 9.30 p.m., flanked by police officers to protect him. The news having leaked out, the Sikhs started a protest march from Gurdwara Gobindpuri, which is at a distance of about 3 kilometers from the Nirankari Bhawan of Kanpur. Women and children also joined the protestors. Some of the Sikhs carried Kirpans as a religious symbol.

As Baba Gurbachan Singh had not been able to address Nirankari meetings earlier at Varanasi, Azamgarh and Allahabad due to protests by the Sikhs, the Nirankaris at Kanpur had made full preparation to flout the protestors.

When the Sikh protestors reached near the Nirankari Bhawan, the Nirankaris greeted them with brickbats and even gun-shots. An armed volunteer of the Nirankaris attacked Jathedar Kishan Singh with a spear which pierced through his stomach.

On this a fight started. The police fired at the Sikh protestors, as a result of which 13 Sikhs died, while 74 were injured.

This incident further increased the Sikhs' resentment against the Nirankaris and the government, and, on the 28th September, 1978, the dead bodies of those killed at Kanpur were taken out in a huge procession. A day earlier, i.e. on the 27th September, 1978, Sikhs of Amritsar, Delhi, Bombay, Lucknow, Kanpur and many other places observed a one-day protest strike.

The Delhi Gurdwara Parbandhak Committee appointed an Enquiry Committee, headed by S. Hukam Singh, former Speaker of the Lok Sabha, to fix responsibility for the Kanpur massacre. This Committee submitted its report on the 18th October, 1978, in which it gave the opinion that if the police had acted promptly, this mishap could have been averted.

The names of some of those who had achieved martyrdom at Kanpur were (1) S. Harcharan Singh (2) S. Jagjit Singh (3) Jathedar Kishan Singh (4) Jathedar Karam Singh (5) Bibi Darshan Kaur (6) Baba Kashmira Singh (7) S. Manmohan Singh (8) S. Gurbir Singh (9) S. Balwant Singh (10) S. Gurjit Singh.

As the tempers ran high, the Punjab Government, on the 28th September, 1978, banned the entry of the Nirankari Chief in Punjab for six months. But the Nirankari Chief challenged it in the Supreme Court and the ban was lifted.

On the 30th September, 1978, the Sikhs of Delhi organised a protest march and presented a memorandum to the Government of India to ban Nirankari 'Samagams' (congregations).

Bhindranwale drew more strength from the Kanpur incident. He and his militant supporters came out openly against the then Akali Dal President, J.S. Talwandi, at a two-day conference of the Dal held on October 26 and 27, in Ludhiana. The conference provided the first indication that militancy was in the ascendant among the Akalis.¹⁵

On the 4th November, 1978, the Nirankaris took out a procession in Delhi in connection with their annual conference. The Sikhs retaliated with a counter - protest march that culminated in violence. The President of the Delhi Akali Dal, Avtar Singh Kohli, was hit on the head by a police tear gas shell and was killed.¹⁶ Besides him, S. Darshan Singh and a 13-year old Sikh boy Maninder Singh were also killed. Nine Sikhs were also injured.

On the 5th November, 1978, disturbances broke out in some parts of Delhi and a curfew had to be imposed. One policeman

was killed and six buses were burnt by the protesting mobs. Disturbances continued in Tilak Nagar area on the 6th November, and, therefore, the curfew had to be extended.

Jan Sangh workers provided a protection force to enable the Nirankaris to continue their function in spite of disturbances in the city. Some Arya Samajist leaders even delivered speeches supporting the Nirankaris. This gave a new direction to the anti-Nirankari agitation. The Sikhs developed a feeling that the majority community in India was patronising the Nirankaris to finish off the separate identity of the Sikh faith. This feeling received a further impetus by the verdict announced by Shri R. S. Gupta, Sessions Judge, Karnal, who acquitted Nirankari Chief Baba Gurbachan Singh and his 61 co-accused of the charge of murdering Sikhs at Amritsar on the 13th April, 1978. The Sessions Judge also passed strictures against the Punjab Police and the Punjab Government for falsely implicating the Nirankaris in this case. This confirmed the Sikhs' sense of alienation. They felt that even the Indian Judiciary was not impartial as the Supreme Court of India had transferred this case out of Punjab.

The Akali Government of Punjab decided to file an appeal against this order of acquittal before the Punjab and Haryana High Court, but, while the appeal was in the process of being drafted, the Punjab Assembly was dissolved by Smt. Indira Gandhi's Government at the Centre. In the fresh elections, her Congress party came to power, and it decided not to file the appeal. This shook the confidence of the Sikhs in the Indian Government and they resolved to take revenge themselves. There was anger amongst the Sikhs. Extremist groups sprouted overnight, sworn to take revenge for the killing of the Sikhs by the Nirankaris and to eliminate the oppressors of the Sikhs. These groups included the Babbar Khalsa and Akhand Kirtni Jatha. Amarjit Kaur, a teacher, whose husband had died in the Baisakhi killings of 1978, was associated with the latter.¹⁷

The first target of the extremists was Baba Gurbachan Singh. After escaping an attempt on his life at Durg (in Madhya Pradesh), on the 19th March, 1980, he fell to a Sikh assassin's bullet at Nirankari Bhawan, Delhi, on the 24th April, 1980. The F.I.R. lodged with the police in regard to the Baba's assassination named Sant Jarnail Singh Bhindranwale as one of the accused persons.

NOTES AND REFERENCES

1. Sarjit Singh Bal, Dr. : The Importance of Baisakhi In Punjab History (Art.) in the 'Sikh Review' (June, 1967).
2. *Ibid.*
3. *Ibid.*
4. Sri Singh Sahib Harbhajan Singh Yogi: Martyrs of Amritsar (Speech At Los Angeles, California) reported in the 'Sikh Review' (May, 1978).
5. Sikh Religious Parliament (S.G.P.C.): *They Massacre Sikhs - A White Paper*, p. 5.
6. Editorial in the 'Sikh Review' (April, 1978).
7. Giani Partap Singh: *Naqli Nirankaris*, p. 195.
8. *Ibid.*, p. 204.
9. Editorial in the 'Sikh Review' (April, 1978).
10. *Ibid.* (May, 1978).
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. The 'Akali Patrika': 18th June, 1978.
15. The 'Probe India': November, 1983.
16. *Ibid.*
17. *Ibid.*

Chapter 5

The Thunder-Bolt

The Sikh Gurus have bidden the Sikhs to reply to the whip-crack of an oppressor with a thunder-bolt and not to die with a whimper but to die fighting to the bitter end. In the Sikh history there are recorded half a dozen cases where the Sikh Gurus themselves and Sikhs afterwards have deemed it a question of life and death where deliberate and malicious insult or outrage to their religious susceptibilities and human dignity was shown, irrespective of the circumstances and the consequences.

Eversince the killings of the Sikhs by the Nirankaris at Amritsar in 1978, the Sikhs were planning for revenge. They were infuriated when the Supreme Court of India transferred the murder case against the Nirankaris to a court in Haryana which found them not guilty. The Sikhs were even more angry when the Congress Government of Punjab led by S. Darbara Singh decided not to file an appeal against that acquittal.

The Sikhs, therefore, rejoiced when Baba Gurbachan Singh, head of the Nirankari sect, was murdered.

The Nirankaris were the creation of the Government of India. The sect was created to divide the Sikhs. The Indian Express (Chandigarh Edition) in its issue of early last week of April, 1978 carried the following report by one, Sat Pal Baghi, of Ferozepur :—

The genesis of the real trouble between the Nirankaris and the Akalis goes back to the years when Mrs. Indira Gandhi headed the Union Government. She wanted to weaken the Shiromani Akali Dal, but found that the Akalis could not be brought to heel. She thought of an elaborate plan to strengthen the Nirankari sect not only in Punjab but throughout the country and abroad also. Official patronage was extended to the Nirankaris much to the chagrin of Akalis who have always considered the Nirankaris as heretics.

In pursuit of this policy of divide and rule, Mrs. Gandhi personally gave clearance for a diplomatic passport to be issued to the Nirankari Chief, and the Indian High Commissioners and Ambassadors abroad were instructed to show him respect and regard. This was meant to help the sect to improve its image and increase its following abroad."

During Mrs. Indira Gandhi's regime, the Nirankaris were known to be receiving financial help from secret Government funds, not open to audit or scrutiny by Parliament.¹

Sant Jarnail Singh Bhindranwale had kept up his campaign against the Nirankaris. He had told a Sikh congregation that the killer of Nirankari head deserved to be honoured by the Head Priest of Akal Takht, and, if he came to him, he would weigh the assassin with gold. Therefore, it was no surprise that Bhindranwale's name had figured in the First Information Report lodged with the police in connection with the murder of Baba Gurbachan Singh, although he was not involved in any manner with the conspiracy to murder him. When Bhindranwale got wind of this, he went into Guru Nanak Niwas, one of the hostels of the Golden Temple complex. He stayed there until Giani Zail Singh told the Parliament as Home Minister that the Sant had nothing to do with the murder. The Nirankaris were annoyed with Giani Zail Singh for this statement and they demonstrated outside his residence. Later, a carpenter, S. Ranjit Singh, and another person were arrested for the murder.

Lala Jagat Narain, Chief Editor of a Hindi daily 'Punjab Kesri', published from Jalandhar, had appeared as a defence witness for the Nirankaris who were being tried for killing Sikhs at Amritsar on the Baisakhi day. Lala Jagat Narain was a well-known Sikh-baiter. During a cross-examination in the court, he admitted that he had opposed the Regional Formula as well as the formation of Punjabi Suba. He also admitted that he had called upon the Hindus of Punjab to state Hindi as their mother tongue in the census. He also admitted that although his spoken mother tongue was Punjabi he had declared it as Hindi.²

He also admitted that in his editorials he had accused the police of partiality because only Nirankari leaders and workers had been arrested and no one from the Bhindranwale group or Bhai Randhir Singh group had been arrested.³ He had also criticised the 'Hukamnama' issued from the Akal Takht against the Nirankaris. He had even written in his editorials that the

Nirankaris were peaceful and the Sikhs, who had died in the 1978 clash, were probably hit by bullets fired by the police.

Therefore, the people of Punjab were not surprised when on the 9th September, 1981, Lala Jagat Narain was also shot dead as his group of papers had played a role in fanning the flames of communal hatred between Hindus and Sikhs.⁴

Bhindranwale had been an outspoken critic of Lala Jagat Narain and once again the police alleged that he had conspired to commit a murder.⁵ S. Darbara Singh, Chief Minister of Punjab, decided to arrest Bhindranwale.

Four days after the murder of Lala Jagat Narain, the All-India Radio announced in its main news-bulletin that arrest warrants against Sant Jarnail Singh Bhindranwale had been issued. On the 14th September, a joint posse of the Punjab and Haryana police surrounded the Gurdwara at Chandu Kalan in Hissar District of Haryana where the Sant was expected to be on that day. But Sant Bhindranwale had obviously been tipped off about his impending arrest. According to the well-known journalist, Kuldeep Nayar, Giani Zail Singh, who was then Home Minister of India, had instructed Shri Bhajan Lal, the then Chief Minister of Haryana, that the Sant should not be arrested. Bhajan Lal arranged the escape of the Sant in an official car which took him to his headquarters at Chowk Mehta in Amritsar District in Punjab. The maddened Hindu-dominated police force⁶ fired on the residents of Chandu Kalan village killing 20 persons. The police with additional battalions of the Haryana Armed Police then went on the rampage – looting and ransacking the buildings, and even the library, which contained valuable manuscripts.⁷

Meanwhile, with the murder of Lala Jagat Narain, the situation in Punjab took an irrevocable turn. While the Punjab Government ordered a state funeral of L. Jagat Narain, Hindu communalists attacked the pro-Akali chain of newspapers.

On the other side, within 48 hours of the death of Lala Jagat Narain, Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan, released Khalistan dollars and handed out copies of Khalistan passports at the Akal Takht.

As the news spread that Sant Jarnail Singh Bhindranwale had reached his headquarters at Chowk Mehta, a large number of Sikhs started collecting at the Gurdwara there. The police and paramilitary forces threw a ring around the Gurdwara. Tension mounted in the area.

Back in his headquarters at Chowk Mehta, a visibly relaxed

and confident Sant Bhindranwale declared that he would announce the date and time of his surrender to the police. The Punjab Director-General of Police, Mr. Birbal Nath, D.I.G. (CID) Mr. J. S. Anand, and the Senior Superintendent of Police, Mr. A. S. Atwal, rushed to Chowk Mehta to decide the date and time of Sant Bhindranwale's surrender. Some police officials including A.S. Atwal protested against the leniency being shown to a wanted accused but they were told that the orders were so from the 'highest' quarters. Ultimately, it was announced by Sant Bhindranwale that he would surrender to the police on the 20th September, 1981 at 1 p.m.

Throughout the period from the 14th September to the 20th September, official orders were issued to the police not to take any action in or around Chowk Mehta.⁸ Over 150 armed followers of the Sant guarded his headquarters during this period. The Sant had, by now, emerged as a powerful political force in the state. Hours before the surrender, every Sikh leader who mattered had turned up to lend moral support to the Sant. On the stage that day were sitting Sant Harchand Singh Longowal, G.S. Ajnoha, Head Priest of the Golden Temple, G. S. Tohra, President of the S.G.P.C., and Jathedar Santokh Singh, President of the Delhi Gurdwara Prabandhak Committee. However, one prominent absentee was Sardar Parkash Singh Badal, ex-Chief Minister of Punjab. Several speakers asserted that Sant Bhindranwale was innocent and that the Congress government was falsely implicating him.

Mr. Gurcharan Singh Tohra, addressing the meeting, said that the Government was playing with fire and the Dharm Yudh had begun formally now. The sacrifices of Bhindranwale, he observed, had helped to unify the Panth, and he promised to pursue the path that Sant Bhindranwale would chalk out for the Sikhs.⁹

Sant Harchand Singh Longowal and Jathedar Santokh Singh also expressed their unity and solidarity with Sant Bhindranwale and promised to abide by his directions.¹⁰

Sant Bhindranwale, a regal sight in a flowing white dress and a saffron turban, with a sword and a short spear, was the last speaker. Addressing the congregation of about five lakh Sikhs, the Sant declared:

"For the sake of Sikh people and Sikh religion, I am ready to make any sacrifice. We cannot tolerate the sacrilege of

our religious books and scriptures. To meet this challenge all Sikhs should unite under one flag."

Pointing towards his saffron coloured turban he declared that he was ready as "a bridegroom to marry death". He challenged the Punjab Government to provide a Granthi (priest) for solemnising the marriage. He accused the Punjab Govt. and the Union Govt. of falsely implicating him in the murder of Lala Jagat Narain and asked his followers to be prepared for sacrifices as it was not an attack on him but on the entire community.¹¹

Sant Jarnail Singh Bhindranwale appealed to the Sikhs to remain peaceful and told the congregation that any stone thrown on anyone would hit and harm him only.

Sant Bhindranwale came out of his Gurdwara at Chowk Mehta at about 2.30 p.m. but took another twenty minutes to reach the car and leave the area as it was almost an impossible task for any vehicle to move on the road because of overflowing crowds which were by and large peaceful. The Sant's followers immediately came to the fore and faced the mob with folded hands and pleaded with them to disperse peacefully.¹²

But as soon as Sant Bhindranwale was arrested, the mob became violent and set fire to a police tent. When a policeman on duty tried to control the mob, someone attacked him with a sword and chopped off his arm. The police resorted to tear gas and firing which resulted in the death of 12 persons. The Sikhs alleged that actually some Nihang Sikhs were demonstrating the traditional fighting skills which the police mistook as an attack on them and resorted to unnecessary firing.¹³

On the 21st September, 1981, Mr. Rai, Magistrate First Class, Ludhiana, held a court at Bassian Rest House and remanded Sant Jarnail Singh to police custody till the 24th September, 1981.

Next day, on the 22nd September, the Sant was shifted to Garhi Guest House. On the 24th September, the Magistrate held a court at Garhi Rest House and remanded the Sant to police custody till the 26th September. A large crowd of Sikhs which had gathered outside the Rest House raised slogans in favour of the Sant.

On the 26th September, the Magistrate again held a court at Garhi Rest House and remanded the Sant to judicial lock-up till the 9th October, 1981. The Sant was thereafter shifted to the Central Jail, Ferozepur.

Meanwhile, violence had erupted in Punjab following the

arrest of Sant Bhindranwale. The very next day following the arrest of the Sant, three young Sikhs fired in the market at Tarn Taran. One Hindu was killed and 24 others including two Sikhs were injured. There were bomb explosions throughout the State, including a major one in the Central Telegraph Office at Patiala. Sabotage of Railway tracks was repeatedly reported, three of them within three days.

On the 29th September, 1981, an Indian Airlines plane was hijacked to Lahore. The five hijackers were members of the Dal Khalsa, a militant organisation, established in April, 1978.

The conspiracy to hijack the aircraft was hatched in the night of the 21st September, 1981, in room No. 31 of the Guru Nanak Niwas, Amritsar. Gajender Singh and Satnam Singh, two of the hijackers were angry at the way the police had treated the next of kin of those who had died in the Mehta Chowk firing. The police had secretly cremated the bodies of those killed, in the absence of their kith and kin. The hijacking was intended to focus attention of the world community on discrimination against the Sikhs.¹⁴

The five hijackers, namely, Gajendra Singh, Karan Singh, Tejinder Pal Singh, Jasbir Singh and Satnam Singh were arrested by Pakistan police and tried.

Immediately after hijacking, S. Harsimran Singh, Chief of the Dal Khalsa, owned responsibility for the hijacking at a press conference at Amritsar and demanded unconditional release of Sant Jarnail Singh Bhindranwale and all Dal Khalsa men who were in jails. He wanted them to be transported to Lahore. He also demanded judicial enquiry into the atrocities committed by the police at Chowk Mehta.¹⁵

Harsimran Singh went underground after the press conference but was arrested after a long time at Mohali.

Mr. Balbir Singh Sandhu, Secretary General of the National Council of Khalistan, commended Dal Khalsa for its bold initiative in the fight for Khalistan. He said that the hijacking was an indication of the suppression and despair being felt by the Sikh Community.¹⁶

On the morning of the 9th October, 1981, Sant Bhindranwale was brought to the Rest House at Sidhwani Bait, where a Court was held and judicial remand was extended till the 15th October, 1981. Several hundred Sikhs, who had collected outside the Rest House, raised slogans in favour of the Sant.

During this period, every Opposition party led campaigns for

the release of Bhindranwale. Sant Longowal appealed to the Sikhs to pray every morning for his release. On the 27th September, a special Akhand Path was held at Kalgidhar Gurdwara, Patiala, which was attended by the largest gathering in Patiala's history. Sardar Gurcharan Singh Tohra, President, S.G.P.C., Jathedar Santokh Singh, President, Delhi Sikh Gurdwara Parbandhak Committee and Mrs. Rajinder Kaur, M.P. called for immediate release of Sant Jarnail Singh Bhindranwale.

Finally, the Prime Minister invited Sant Longowal for talks on the 14th October, 1981. The Prime Minister agreed to the unconditional release of Sant Bhindranwale and also to order a judicial enquiry into the Chowk Mehta police firing. On the 15th October, 1981, a court was held inside the Central Jail, Ferozepur, which ordered unconditional release of the Sant.

After release, Sant Bhindranwale pleaded for leniency towards the hijackers on the ground that earlier the Congress (I) had rewarded those who had hijacked a plane to press for ending the harassment of Smt. Indira Gandhi by the Janta Government. These hijackers were elected to the Uttar Pradesh State legislature and were even given ministerial berths in Uttar Pradesh.

Militancy increased in Punjab and the administration in Punjab was completely demoralised and shattered by the events. In a bid to put the administration back on the rails, the Prime Minister asked the Cabinet Secretary, Krishna Swamy Rao, to suggest measures to streamline the Punjab administration.

After release, Sant Jarnail Singh had gained mass following. He tried to bring about unity amongst the various Akali factions led by Jathedar Tohra, Jagdev Singh Talwandi and Jathedar Santokh Singh of Delhi. He proposed that Sant Harchand Singh Longowal should step down from the presidency of the Akali Dal and hand over temporary charge of the party to the head priest of the Akal Takht, Jathedar Gurdial Singh Ajnoha.

On the 14th October, 1981, Giani Zail Singh, Home Minister of India, informed the Parliament that Sant Bhindranwale had not been found guilty of any offence during investigations conducted during his detention and therefore he had been released unconditionally.

Next day, an attempt was made on the life of S. Narinjan Singh, a Nirankari, serving as Joint Secretary in the Ministry of Finance, Punjab, but he escaped unhurt. The shots hit his younger brother who died on the spot, while his gunman was

529659

k

seriously injured. Intelligence reports had blamed the murder squad led by Tarsem Singh for various murders. On the 19th November, a Sub-Inspector of Police and a constable who had gone to arrest Tarsem Singh were shot dead.

Meanwhile, negotiations between the Akali Dal and the Central Government had been continuing. On the 16th October, 1981, Indira-Akali negotiations were held. The Prime Minister was assisted by the Cabinet Secretary, Krishna Swami Rao, Principal Secretary to the Prime Minister, P.C. Alexander, and Home Secretary, T.N. Chaturvedi. The high-powered Akali team was led by Sant Harchand Singh Longowal, S. Gurcharan Singh Tohra, Parkash Singh Badal, Surjit Singh Barnala and Balwant Singh. The meeting ended inconclusively. In view of these negotiations, the Akali Dal Working Committee announced on the 17th October, 1981 that the Civil Disobedience Movement to be launched had been postponed till the 30th October, 1981.

On the 18th October, the Punjab Government ordered a judicial enquiry into the incident of police firing at Chowk Mehta, Amritsar.

On the 21st October, 1981, Sant Harchand Singh Longowal appointed a panel of five Akalis, namely, Ajit Singh Sarhadi, Surjit Singh Barnala, Ravi Inder Singh, Bhan Singh and Balwant Singh to conduct negotiations with the representatives of the Central Government.

With a view to finding a solution, Prime Minister Smt. Indira Gandhi had three meetings with the representatives of the Shiromani Akali Dal – on the 16th October, 1981; 26th November, 1981 and 5th April, 1982. At these meetings, the territorial issue, the river water dispute and recruitment to the army on the basis of population were mainly discussed.

The Government's stand on the territorial issue was that Chandigarh could be transferred to Punjab only if Punjab compensated Haryana suitably in lieu thereof.¹⁷ It was made clear to the Akali Dal representatives that any settlement on territorial issues with Haryana would have to be on the basis of a commitment from them that they would not press any more claims on territories belonging to other states.¹⁸ Akalis refused to agree to any such formulations on the ground that Chandigarh legitimately belonged to Punjab and certain territories in Rajasthan and Himachal Pradesh were "Punjabi-speaking Sikh populated areas" and as such should be transferred to Punjab.

On the river water dispute the representatives of Akali Dal

insisted that Yamuna waters should also be taken into account but the Government maintained that Yamuna waters were not an issue to be included in the terms of reference to the Tribunal suggested by the government to be set up¹⁹ to settle the water dispute. Akalis refused to agree to any terms of reference which did not include the question of Yamuna waters.

With regard to the Akalis' protest against the Government's circular recommending recruitment to the army on the basis of population which reduced the Sikhs' recruitment in the army from about 20 per cent to about 2.8 per cent, or even less, Mrs. Gandhi put off the matter by telling the Akalis that she would have to consult others in this regard.

But the fact was that the Government of Smt. Indira Gandhi did not want to reach any agreement with the Akalis because of her party's electoral compulsion. According to the veteran Communist leader, Mr. Avtar Singh Malhotra, the Akalis showed readiness for a settlement on a number of occasions but the opportunities were deliberately thrown away by the Congress Govt. for narrow partisan ends.²⁰

In September, 1982 the former Foreign Minister, S. Swaran Singh, was sent to Punjab. A general consensus emerged as he shuttled between Delhi and Amritsar and Chandigarh, and finally, on the 2nd November, 1982 an agreed formula was finalised. But, in the official statement to be issued on the 3rd November by the Home Minister, some alterations were made which virtually scuttled the settlement.²¹ Again, on the 18th November, 1982 a formula had been worked out and a government plane also kept ready which was to take the Akali representatives and Mr. Chaturvedi to Amritsar to get the formal consent of Sant Harchand Singh Longowal, but, again, the Prime Minister vetoed it.²² Then again, on the 20th April, 1983 an agreement was arrived at, but again the Government backed out.²³

Thus the talks between Smt. Indira Gandhi and the Akalis ended without any agreement. The Akalis got the impression that Smt. Gandhi did not want to arrive at an agreement. Even the Communist Party's veteran, Satyapal Dang, corroborates this fact when he writes: Three times an agreement had almost been arrived at, but each time it was prevented by the late Prime Minister.²⁴

Meanwhile, certain events took place in Punjab which jeopardised the chances of any settlement. On the 29th Novem-

ber, 1981, there was a bomb blast in the Langar of Gurdwara Gurdarshan Parkash at Chowk Mehta which was the headquarter of Sant Jarnail Singh Bhindranwale. Three persons were killed in the explosion. The management of the Gurdwara alleged that the explosion was the work of the Nirankaris.

S. Gurcharan Singh Tohra, President of the S.G.P.C., in a statement, described the bomb blast as a conspiracy between certain politicians and policemen to murder Sant Jarnail Singh Bhindranwale and other Sikh leaders. However, if the conspirators had succeeded, said Mr. Tohra, then Nirankaris would have been involved and held responsible for these murders.

Another important event was the murder of Jathedar Santokh Singh, President of the Delhi Sikh Gurdwara Parbandhak Committee, on the 21st December, 1981. He was close to Smt. Indira Gandhi as well as to Sant Jarnail Singh Bhindranwale. On the day Sant Bhindranwale was to surrender to the police at Chowk Mehta, Jathedar Santokh Singh flew down twice from Delhi and was among the Sikh leaders who held talks with the Sant on that day. At the time of surrender by the Sant, the Jathedar had delivered a very emotional speech. He was believed to be acting as a contact-man between Giani Zail Singh and Sant Bhindranwale. He was a Congress (I) activist and a protege of Home Minister Zail Singh.

On the 26th December, 1981, the District authorities informed Sant Bhindranwale that his licences for arms had been cancelled, so he should deposit the arms with the police. But the Sant declared that he would not comply with the orders as the arms were required by him for his self-defence. He said that first the police should be asked to deposit its armaments with which it had killed innocent Sikhs at Chando Kalan and Chowk Mehta, in indiscriminate firings. He demanded that the guilty police officials should be produced at Akal Takht for punishment according to Sikh traditions.

While the negotiations with Akalis were yet to be concluded, Mrs. Gandhi, on the advice of the "new gang" of management specialists, unilaterally declared the Ravi-Beas waters Award on the 31st December, 1981, which further compounded the problem, rather than solve it.²⁵ Under the Award, Punjab was to get an additional 0.72 million acre feet of water, but the lion's share of the water was still to go to the State of Rajasthan. Mrs. Gandhi further ordered the Punjab Chief Minister to withdraw the case relating to the distribution of Ravi-Beas Waters

which the Akali Government had filed in the Supreme Court. S. Darbara Singh, the then Chief Minister of Punjab heading the Congress government, complied. However, a few individuals filed a suit on their own in the Punjab and Haryana High Court to challenge the government's 1976 notification under the Punjab Reorganisation Act 1966, and Mrs. Gandhi's Award of 1981. The matter was admitted. When the case was heard in 1983, the government asked for adjournment. Subsequently, the case was transferred to the Supreme Court, which is yet to fix a date of hearing.

With the withdrawal of the case from the Supreme Court by the Congress government of Punjab the Akalis were annoyed. They complained that the government should have waited at least till the negotiations were concluded.

However, to pacify the Sikhs, Smt. Indira Gandhi accepted one demand of the Sikhs. The Raja Sansi Airport at Amritsar was converted on the 3rd January, 1982 into an International Airport. Mr. A.P. Sharma, the then Minister of Civil Aviation, speaking on the inauguration ceremony, described it as a New Year gift from Smt. Indira Gandhi to Punjab. The Amritsar-Birmingham flight of Air India Boeing 707 touched this airport that day. But the Akalis did not feel satisfied with this small concession.

Smt. Indira Gandhi's Award on river waters had calculated the total water available for distribution at 17.17 M.A.F. which exceeded the earlier calculation by about 2 M.A.F. However, this was only a fictitious increase.

A meeting of the Akali Dal Working Committee held under the presidentship of Sant Harchand Singh Longowal rejected the Indira Gandhi Award as above.

Moreover, the award contained another controversial clause *vide* which Punjab was required to construct the Sutlej-Yamuna Link Canal to carry Haryana's share of water before the 31st December, 1983. Construction of this canal later became a bone of contention between the two States.

Another round of talks between Prime Minister Indira Gandhi and Akali leaders of the Longowal faction began in New Delhi on the 5th April, 1982. After the 26th November, 1981, when the earlier round of talks was held, tension had increased in the state. Akalis were getting convinced that the government was not honest in its declarations. While the government had conceded the Sikh demand for a judicial enquiry into Chando

Kalan incident where the police had burnt the Sikh scriptures when they had failed to arrest Sant Bhindranwale, the Assistant Inspector-General of Police, Haryana, Mr. S. A. Khan, moved the Punjab and Haryana High Court, challenging the one-man Enquiry Commission appointed by the government. It was much later that the Haryana State challenged the *locus standi* of Mr. S. A. Khan.

A cell supporting Bhindranwale's movement had somehow come up in the bureaucracy. In early January, 1982, the Punjab government had sent a list of twenty-two senior government officials "involved with the extremists". Among them were senior police officers – two Assistant Inspectors-General of Police, and some Deputy-Superintendents of Police, while others were Civil Administrative Officers, including Sub-Divisional Magistrates, Deputy Collectors and District Magistrates.²⁶ Instead of taking immediate action on this report, the Home Ministry, said that their analysis showed that this could quite possibly be an attempt to dishonour "honest officers."²⁷

The Sant's network was spreading. The President of the Punjab Policemen's Union, Karnail Singh, promised full support to Bhindranwale.²⁸

Student unrest in the state was also increasing. On the 6th February, 1982, the police raided the hostel of Khalsa College, Amritsar. Students were dragged out and beaten up. Sardar Amarjit Singh, a leader of the All-India Sikh Students Federation, was arrested. Harminder Singh Sandhu, General Secretary of the Federation, threatened to kill the children of the Punjab Chief Minister, Darbara Singh, if Bhindranwale was touched.²⁹ On the 21st January, 1982, a Sikh youngman even gave a blow at the neck of S. Darbara Singh at village Narurh Panchhran, where he had gone to address a meeting.

The Nirankaris, who were the root cause of Sikh militancy, decided to bow and their new chief, Baba Hardev Singh, sent a letter to the Akal Takht Chief stating that he considered the Guru Granth Sahib as the Word of God and that he was willing to resolve the dispute according to the wishes of the Sikhs. Pressure was brought on the Akal Takht Chief to withdraw the 'hukamnama' of 1978 prohibiting the Sikhs from having any relationship with the Nirankaris as they had now recanted. Sant Bhindranwale opposed this move and the Akal Takht Chief made a public statement saying that he would not withdraw the 'hukamnama'.

The movement had started affecting India's international relations as well. Dr. Jagjit Singh Chauhan, who had proclaimed himself as President of the Republic of Khalistan and whose passport had been cancelled by the Indian Government, got a special visa from the U.S. Government to visit the United States in 1982 on humanitarian grounds in spite of strong protests from the Government of India.

But while Sant Bhindranwale was riding on a tide of mass popularity, factionalism in Akali Dal was increasing and personal jealousies of the Akali leaders were harming the movement. Gurcharan Singh Tohra, President of the S.G.P.C., had written a letter to the Prime Minister enunciating steps on "how to tackle the Punjab problem". In the letter, Tohra had suggested that negotiations should be broad-based and hinted at the participation of both Sant Jarnail Singh Bhindranwale and the Akal Takht head priest Ajnoha.³⁰ The contents of the above letter were somehow promptly communicated to Jathedar Jagdev Singh Talwandi also, who was under detention in Tihar Jail. He immediately dissolved the Working Committee of the Akali Dal (Talwandi group). He also called for a World Sikh Convention at Anandpur Sahib on the 13th April, 1982. On the 1st April, 1982, Jathedar Jagdev Singh Talwandi had launched an agitation for acceptance of the Anandpur Sahib Resolution and had offered himself for arrest outside the Parliament House, along-with 35 other volunteers. Earlier, on the 15th February, 1982, Sant Harchand Singh Longowal, too, as President of the Shiromani Akali Dal, had dissolved his Working Committee. As a result, an atmosphere of total nihilism pervaded in Akali politics and the Government was at a loss to understand as to whom to negotiate with. Almost everyone had become a suspect. In January, 1982, Harsimran Singh, the Dal Khalsa Chief, who had gone underground after holding a press conference at Amritsar after the hijacking of an Air India Boeing 707 to Lahore, was arrested by the police. Harsimran had been arrested by the police from the house of Harinder Pal Singh, the driver of a minister in the Congress (I) government.

Mrs. Gandhi's advisers had given her a note on the impending Haryana elections scheduled for May-June, 1982 and had advised her not to give any concessions to Punjab as these might adversely affect the chances of the Congress party in Haryana. Therefore, when the talks with the Akali leaders were resumed on the 5th April, 1982, at the Parliament House, Mrs. Gandhi

behaved in a furious manner. The talks broke down over two main issues – immediate transfer of Chandigarh to Punjab, and re-opening of the award relating to the Ravi-Beas waters. S. Parkash Singh Badal, spokesman for Akalis, told Smt. Indira Gandhi while leaving the conference room: "Please do not think everything is all right in Punjab. The government's grip in the state is very loose. The situation at present is like the lull before a storm."³¹

From that day onward, writes Kuldip Nayar, the distance between the government and the Akalis began to increase and like a Greek Tragedy, both sides relentlessly slipped into a situation that spelt disaster.³²

The battle-lines had been drawn. Smt. Indira Gandhi planned to win over the electorates of Haryana where elections to the State Assembly were fast approaching. On the 8th April, 1982 she inaugurated the construction of the Sutlej-Yamuna Link Canal at village Kapuri, District Patiala, under heavy security arrangements, as Akalis had planned protest demonstrations. Some Akali demonstrators were arrested by the police at Ghanor which is at a distance of 6 km. from the site of inauguration. To keep up the pressure, Longowal announced a movement to prevent the digging of the Link Canal. The Communist Party (Marxist) also joined the agitation. But this agitation failed to evoke the desired response from the Sikh peasantry as the issue had no religious or emotional appeal. Therefore, Sant Harchand Singh Longowal suspended the agitation on the 25th April, in view of the coming mid-term poll in Haryana and the harvesting season in Punjab. However, Akalis restarted the 'Nehar Roko' agitation on the 24th May, 1982. Jathedar Gurcharan Singh Tohra staged 'dharna' near Sarala Kalan to stop the digging of the Link Canal. Volunteers uprooted barricades at Kapuri, the village from where the Haryana Government was to start digging its part of the Canal. But the agitation again could not inspire enthusiasm and the C.P.I. (M) separated itself from the agitation.

But, meanwhile, certain events happened which widened the gulf between Hindus and Sikhs in Punjab. On the 26th April, 1982, cut-off heads of cows were found outside two Hindu temples of Amritsar. Communal clashes occurred in the town. Dal Khalsa claimed responsibility for the incident and warned that such acts would continue to be repeated until the Sikh demand for a ban on smoking within the walled city of Amritsar was conceded. Curfew had to be imposed in several towns as

there were Hindu-Sikh riots in these places. Extremists burnt several shops selling cigarettes. In Chandigarh, incidents of desecrating Sikh scriptures were reported. About 600 persons were taken in custody in the Punjab State. In Amritsar, some shops of Sikhs in Karmo Deorhi, Karam Singh Market, Katra Jaimal Singh and Guru Bazar were set on fire. In the nearby town of Attari, situated on the Indo-Pak border, an attempt was made to set ablaze a Gurdwara. Disturbances were also reported from Budhlada Mandi.

On the 28th April, 1982, Sant Harchand Singh Longowal nominated a 10-member Peace Committee to work for peace and communal harmony in the state in co-operation with other political parties.

On the 1st May, 1982, the Government of India banned Dal Khalsa, which, according to the White Paper issued by the Government of India, was established with the avowed object of demanding the creation of an independent, sovereign Sikh State.

Atrocities against the Sikhs by the police also increased. In April, 1982, the U.P. police forcibly shaved and cut the hair of a Sikh youth who was suspected to be aiding the extremists.³³ On the 15th May, 1982, the police entered Gurdwara Dukh Niwaran Sahib, Patiala, to arrest one Lakhbir Singh. This was resented by the Sikhs and the police officers had to apologise before the Gurdwara management.

On the 9th June, 1982, some miscreants set fire to the Gurdwara in village Makha, District Bhatinda, as a result of which 15 copies of the Sikh holy scripture Guru Granth Sahib were burnt. The Akali Dal called upon the Sikhs to observe the 18th June, 1982 as a protest day. The Sikhs observed a strike on that day and the police fired at Sikh demonstrators at Patiala. There were clashes between Sikh demonstrators and the police at Ludhiana where the police resorted to lathi-charge. Hundreds of Akali workers were arrested. In spite of police restrictions, the burnt copies of the Granth were taken in a procession to Goindwal Sahib for submersion in river Beas.

On the 19th June, 1982, Akali M.P.'s and legislators sat in 'dharna' outside the residence of Smt. Indira Gandhi to protest against atrocities committed against the Sikhs and governmental interference in the elections of the Delhi Gurdwara Parbandhak Committee.

On the 21st June, Sikh ladies demonstrated in Patiala against government excesses. The police dragged and lathicharged them. Two ladies were injured, while 51 were arrested.

Meanwhile, election to the post of President of India drew near. The Congress fielded Giani Zail Singh as its candidate. In the past three decades no Sikh had been fielded by any party for this post. Akalis, therefore, decided to support Giani Zail Singh unconditionally. The election was held on the 12th July, 1982, and Akalis voted for Giani Zail Singh who was declared elected as the seventh President of India.

Sant Jarnail Singh Bhindranwale was on a missionary tour of India. When he was in Bombay, the police surrounded Gurdwara Singh Sabha at Dadar in Bombay where Bhindranwale was supposed to be staying. In the meantime, Bhindranwale had been tipped off and he made his way back to Amritsar. Meanwhile, on orders from Rajiv Gandhi, a plan was drawn up to arrest Bhindranwale. He was then in Gurdaspur. He rushed back to his fortified headquarters in Chowk Mehta.

Moderate Akalis led by Longowal, and Talwandi faction, which was agitating for acceptance of demands detailed in Anandpur Sahib Resolution, decided to join hands with Sant Jarnail Singh Bhindranwale to launch a mass agitation to restore the dignity of the Sikhs. They waited for an opportunity to start the struggle which had already been named as Dharam Yudh.

NOTES AND REFERENCES

1. S.G.P.C. : *They Massacre Sikhs*, p. 26.
2. Sessions case No. 31 of 1978 w.r.t. F.I.R. No. 88, dated 13.4.1978, Amritsar.
3. *Ibid.*
4. Mark Tully : *Amritsar — Mrs. Gandhi's Last Battle*, p. 66.
5. Session Case No. 66 of 1982 w.r.t. F.I.R. No. 359, dated 9.9.1981 of Sadar Ludhiana.
6. Chand Joshi : *Bhindranwale — Myth and Reality*, p. 89.
7. *Ibid.*
8. *Ibid., op. cit.*, p. 90.
9. The Indian Express, 21st Sept., 1981.
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. The Hindustan Times, 21st September, 1981.
14. *Ibid.*, 1st October, 1981.
15. *Ibid.*, 30th September, 1981.

16. *Ibid.*
17. Government of India: *White Paper on the Punjab Agitation*, p. 15.
18. *Ibid.*, p. 16.
19. *Ibid.*, p. 12.
20. Avtar Singh Malhotra: *The Punjab Crisis And The Way-out*, p. 18.
21. *Ibid.*, p. 19.
22. *Ibid.*
23. *Ibid.*
24. Satyapal Dang: *Genesis of Terrorism*, p. 20.
25. Chand Joshi, *op. cit.*, p. 73.
26. *Ibid.*, p. 100.
27. *Ibid.*
28. Akbar M.J., *op. cit.*, p. 194.
29. *Ibid.*
30. Chand Joshi, *op. cit.*, p. 102.
31. Express Magazine, 22nd July, 1984.
32. Kuldip Nayar, *op. cit.*, p. 50.
33. Chand Joshi, *op. cit.*, p. 11.

Chapter 6

Dharam Yudh

On the 19th July, 1982 : Bhai Amrik Singh, President All-India Sikh Students Federation, was arrested in the campus of the District Courts at Amritsar along with his 3 companions. On hearing the news, Sant Jarnail Singh Bhindranwale shifted to Guru Nanak Niwas in the Golden Temple complex, along with members of his Jatha. He established his camp office on the fourth floor of Guru Nanak Niwas.

On the 20th July, 1982: Sant Jarnail Singh Bhindranwale launched an agitation. Jathas of 51 volunteers started courting arrest every day.

On the 21st July, 1982 : Three prominent supporters of Sant Bhindranwale, including Bhai Thara Singh, incharge, Gurdwara Gurdarshan Parkash, Chowk Mehta, and Bhai Ram Singh were arrested. Sant Harchand Singh Longowal and Jathedar Gurcharan Singh Tohra condemned the arrests.

On the 24th July, 1982: There was a bomb blast at the village house of S. Darbara Singh, Chief Minister, Punjab, at Jandiala, but no loss was reported.

On the 25th July, 1982: A Sikh convention was held at Amritsar at the instance of Sant Bhindranwale to launch 'Dharam Yudh'.

On the 26th July, 1982 : A general meeting of Shiromani Akali Dal adopted the 'Dharam Yudh' launched by Sant Bhindranwale and decided to merge its own agitation against digging the SYL canal with the Dharam Yudh morcha and to shift the venue of the agitation to Amritsar.

On the 27th July, 1982: Sant Bhindranwale and Sant Harchand Singh Longowal held a meeting at Amritsar and discussed the problems facing the Sikh community, Sant Bhindranwale assured his full support to Sant Harchand Singh in the agitation.

On the 4th August, 1982: 'Dharam Yudh' began. S. Parkash Singh Badal courted arrest, along with several volunteers, by leading the first Jatha. The agitation was launched to seek implementation of the Anandpur Sahib Resolution which demanded more autonomy for Punjab. Bhindranwale, who was already conducting his morcha from Amritsar, decided to join hands with the Longowal faction. By the end of the following month, Talwandi who was released after 17.5 months of imprisonment from Tihar Jail, Delhi, also decided to sink his differences with Sant Longowal and to accept his leadership.

On the 15th August, 1982 : Sikh students disrupted the Independence Day functions at several places in Punjab. At Amritsar, slogans-raising students captured the stage. The police resorted to lathi-charge and the function ended abruptly.

On the 20th August, 1982 : A bomb was thrown at S. Darbara Singh, Chief Minister, Punjab, at village Rahon (Distt. Jalandhar), but the Chief Minister escaped unhurt. A Superintendent of Police, a security officer of the Chief Minister, and thirty-three other people were injured.

A Boeing 737 was hijacked after it took off from Jodhpur airport. The plane landed in due course at the Raja Sansi Airport, Amritsar. From there it was taken to Lahore but the Lahore Airport authorities refused permission to the aeroplane to land there. Therefore it came back to Raja Sansi Airport (Amritsar). There were 63 passengers aboard. Musibat Singh, the hijacker, was extremely courteous to the passengers. He released a small girl who was unwell and her accompanying mother Mrs. Sathe. When the air-conditioner stopped working he allowed passengers to come upto the door turn by turn to breathe fresh air. After about four hours' wait at Amritsar airport, the police surrounded the plane and firing ensured between the hijacker and the policemen. Someone on the plane suddenly pushed Musibat Singh who fell down on the ground and was shot dead by the police.¹

The police thereafter committed atrocities on Sikh youth and killed several of them in false encounters.

On the 22nd August, 1982: To investigate cases of false encounters and police atrocities, Sant Harchand Singh Longowal appointed a committee of 7 prominent lawyers, namely, S. Ajmer Singh, Samrala, S. Gurdarshn Singh Grewal, Chandigarh, S. Manjit Singh, Kaira, S. Malkiat Singh Moga, S. Puran Singh Hundal, Amritsar, and S. Surinderpal Singh Patti.

On the 5th September, 1982: Jathedar Gurcharan Singh Tohra

courted arrest in 'Dharam Yudh' with the biggest batch of 36665 volunteers. He was taken to the Ferozepur Central Jail.

On the 8th September, 1982 : S. Mohinder Singh Gill, ex-M.P., and S. Nasib Singh Gill, ex-Deputy Speaker, Punjab Assembly, were expelled by the State Congress (I) President, Hans Raj Sharma, from the Congress party for six years. They had accused the Punjab Government of adopting, illegal and unethical means to suppress the Akali agitation and had called upon the government to arrive at a negotiated settlement of the Punjab problem. They had also condemned the killing of Gurmit Singh, accused of throwing a hand-grenade on S. Darbara Singh, Chief Minister, Punjab, in an alleged encounter with the police.

On the 12th September, 1982: 34 Sikh volunteers in police custody who had courted arrest at Amritsar and were being shifted to a jail died and 12 were seriously injured when the bus carrying them collided with a train at a railway crossing.

The Sikhs observed martyrs' day in their memory on the 19th September, 1982 and declared that the blood of these martyrs would not go waste.

The All-India Sikh Students Federation also organised a function at Gurdwara Manji Sahib, Amritsar, in memory of these martyrs and placed its services at the disposal of Sant Harchand Singh Longowal. A protest march was organised by the S.G.P.C. in memory of these 34 Sikhs who had been killed in this train-bus accident. The procession arrived in Delhi on the 10th October, 1982 and halted at Gurdwara Bangla Sahib, Delhi, for the night. The Delhi Gurdwara Parbandhak Committee sought permission to take out a procession from Gurdwara Bangla Sahib to Gurdwara Rakab Ganj which is situated near the Parliament House. The permission was granted. But when the procession reached near the Parliament, the police resorted to tear gas, lathi-charge and firing to stop a part of the procession from proceeding towards the Parliament House. Four processionists were killed in the police firing and many were injured.²

On the 14th September, 1982: Akhand Kirtani Jatha joined Dharam Yudh. Bibi Harsharan Kaur, head of the Jatha, courted arrest. The Chief Khalsa Dewan also declared support for Dharam Yudh.

On the 28th September, 1982 : Jathedar Jagdev Singh Talwandi was released from the Tihar Jail, Delhi. He reached Amritsar on the 30th September, 1982 and declared his support for Dharam Yudh.

On the 3rd October, 1982: S. Balwant Singh, ex-Finance Minister, Punjab, courted arrest along with a batch of 4000 volunteers.

On the 10th October, 1982: Sant Harchand Singh Longowal declared that from the 11th October, 1982 till the 16th October, 1982 (Diwali Day), the Sikhs would offer themselves for arrest continuously throughout day and night (Akhand Morcha). He also called upon the Sikhs not to have the traditional illuminations on the Diwali and observe it as a Black Day.

On the 11th October, 1982: About 3000 Sikh volunteers demonstrated outside the Parliament House in New Delhi. The demonstrators tried to cross the police barrier, whereupon they were lathi-charged and fired upon by the police. Five demonstrators were killed and several were injured.

The number of the Sikhs courting arrest increased continuously. The government was left with no place in prisons which were over-crowded. The government changed its strategy. The police, after taking into custody the Sikh volunteers courting arrest, took them to a far-off place in vehicles and released them there. But even this did not diminish the enthusiasm of the Sikhs offering themselves for arrest.

On the 15th October, 1982: As a gesture of goodwill, Smt. Indira Gandhi directed the Punjab Government to release all the Akali volunteers from jails in Punjab. Immediately, in compliance with the direction, the Punjab Government ordered release, but Sant Harchand Singh Longowal, Chief Organiser of the 'Dharam Yudh', directed the volunteers to refuse to leave the jails. As a result, there was rioting and arson in Amritsar jail.

On the 16th October, 1982: Jathedar Jagdev Singh Talwandi courted arrest with a batch of 3000 volunteers.

However, the Government released all the Akalis who had been arrested in connection with the agitation, and thus the Dharam Yudh Morcha came to an abrupt end without any settlement.

On the 28th October, 1982: The Prime Minister's special emissary, S. Swaran Singh, ex-Foreign Minister, Central Government, met a five-member Akali Dal panel at the historic Gurdwara of Fatehgarh Sahib, in a fresh bid to resolve the Punjab tangle. But the talks ended in a fiasco. As positions hardened on both sides, Longowal announced the Dal's decision to organise a massive morcha in Delhi on the 19th November, 1982, i.e., the inaugural day of the Ninth Asian Games, which were to be held there.

On the 4th November, 1982: Due to the release of Akali volunteers from jails, Akalis announced a new plan of action. Sikh volunteers were directed to reach Delhi between the 19th November, 1982 and the 4th December, 1982, when the Asian Games would be held there. Protest marches and demonstrations were to be held in Delhi during those days, in order to let the world know about the Sikh demands. Protest demonstrations were also to be held at the venue of the Asian Games.

The Sikhs were further directed to gherao S. Darbara Singh, Chief Minister, Punjab, and not to allow him to speak at any public function.

Bhajan Lal, Chief Minister, Haryana, announced that he would not allow Akalis to pass through his State. But Haryana police overdid it in carrying out the job of preventing Akalis from reaching Delhi on the opening day of the Games. No one, even remotely resembling a Sikh, was allowed to proceed towards Delhi. Barricades led to barricades and extra-conscious policemen behaved rudely while questioning the Sikhs going towards Delhi. The vehicles and luggage of the Sikhs were subjected to a clinical search. It was worse in the Railway trains. Sikh passengers were not only searched and their baggage turned inside out, but they were also asked to provide convincing reasons as to why they were going to Delhi. The intelligence agencies added to the mess.

Even Sikh Army officers and other officers were humiliated during checkings in Haryana. This caused resentment and confirmed the Sikhs' feeling that they were second-rate citizens in India. This strengthened the terrorists in Punjab. The following of Sant Jarnail Singh Bhindranwale increased and many ex-service men joined his ranks.

On the 19th November, 1982: Asian Games were inaugurated. Nine Sikhs, both male and female, shouted slogans and threw leaflets listing Sikh demands. Plain-clothed policemen whisked them away to police vans waiting outside the Nehru Stadium and took them to Tihar Jail, Delhi.

Sikhs gathered at Gurdwara Bangla Sahib, New Delhi, for a protest march. The police laid siege. Akali demonstrators led by S. Parkash Singh Majitha, M.L.A., came out of the Gurdwara but were prevented by the police from proceeding further. Some demonstrators succeeded in breaking the police encirclement and courted arrest by shouting slogans.

On the 4th December, 1982: On the concluding day of the Asiad 1400 Sikhs courted arrest. On the 3rd December, the police arrested S. Harbans Singh Manchanda and Bibi Nirlep Kaur who were to lead the protest march on the 4th December.

On the 5th December, 1982: All those arrested during the Asian Games were released but the foundation of Khalistan had been laid in the Sikh minds.

Sikh militants found a messiah in Sant Jarnail Singh Bhindranwale who, while addressing Sikh congregations, said, "The Hindus are trying to enslave us; atrocities against the Sikhs are increasing day by day under the imperialist Hindu rulers of New Delhi; the Sikhs have never felt so humiliated, not even during the reign of the Mughal emperors and British colonialists. How long can the Sikhs tolerate injustice?"³ He further gave a call to the Sikhs: "The Gurus have called us again to make supreme sacrifices for the Panth and undo the injustices of the modern Mughal, Smt. Indira Gandhi."⁴ For Bhindranwale, the solution to Sikh problem was : "It should be clear to all Sikhs, whether living in urban or rural areas, that we are slaves and want liberation at any cost. To achieve this end, arm yourself and prepare for a war and wait for orders."⁵ Earlier, he had called upon every village to raise a team of three youths and provide one revolver each and a motorcycle.⁶

Embittered by the Centre's betrayal in the negotiations and police high-handedness during the November, 1982 Asiad, the Akali Dal was forced into a completely confrontationist stance. Even the government nominated member of the Rajya Sabha, S. Khushwant Singh, speaking in the Parliament on the President's Address, spoke the Akali language and warned that the country would have to pay a heavy price for the treatment meted out to Sikhs during the Asiad.⁷ He further said, "Can we use any other word than discrimination – gross, indecent and unpardonable discrimination – against a people simply because they look distinct."⁸ He warned the government, "Was it ever realised that in so doing the government embittered thousands of Sikhs and played into the hands of Akali extremists by confirming their charge of governmental discrimination against the Sikhs?⁹ If, God forbid, the Khalistan movement catches on, it will owe much to the foolish shortsightedness of Bhajan Lal."¹⁰

On the 23rd December, 1982: A huge convention of Sikh ex-servicemen was held at Guru Ram Das Langar Hall. Several hundred ex-army Sikh officers and soldiers attended the con-

vention and expressed their support for the Dharam Yudh. Some days before this convention a secret meeting was held at Chandigarh between Akali leaders and ex-army officers wherein Akali leaders reportedly gave a solemn undertaking that they would not withdraw the agitation and reach on understanding with the Central Government without the prior consent of these army officers, who were going to stake their pensions and other service benefits by joining a politico-religious movement. This development alarmed the Government of India which decided to negotiate with the Sikh leadership.

On the 8th January, 1983: Union Home Minister, Shri P.C. Sethi, sent a written invitation for opening negotiations with Akalis through a special messenger to Sant Harchand Singh Longowal. The Sant accepted the invitation, but proposed Chandigarh, instead of Delhi, as the venue for the talks.

On the 9th January, 1983: A Sikh intellectuals' conference was held at Amritsar to support the Sikh demands. It was attended by Sikh lawyers, professors and retired government officers in large numbers. It was for the first time that Akali leadership had tried to involve intellectuals in their policy-making. Earlier, uneducated Jathedars had been leading the Sikh struggle while educated Sikhs were mocked at as 'cowards' and 'saleable commodity'.

On the 16th January, 1983: To convince the Sikh masses that Sikh leadership was serious with regard to the struggle and ready to make sacrifices, Sant Harchand Singh Longowal, Dictator of the 'Dharam Yudh', called upon S.G.P.C. members and office-bearers to hand over their resignations to him by the 25th January, 1983.

On the 19th January, 1983: In response to a call by Akali Dal President, Sant Harchand Singh Longowal, asking the 15-member S.G.P.C. executive members to resign, S. Gurcharan Singh Tohra resigned as President of the S.G.P.C.

On the 23rd January, 1983: Akali Dal High Command, at a meeting held at Amritsar, decided to participate in the tripartite talks. Surjit Singh Barnala, Ravi Inder Singh and Balwant Singh were nominated as negotiators to represent Akali Dal at the talks with the Union Government and the Opposition parties.

On the 24th January, 1983: Tripartite talks were held in Delhi under the Chairmanship of Shri P.C. Sethi, Union Home Minister.

On the 25th January, 1983: Tripartite talks ended inconclusively. Opposition parties requested Akalis not to resign from the Parliament and State legislatures, but Akalis did not agree to this request.

On the 27th January, 1983 : Thirty-five M.L.As. left Amritsar for Chandigarh in a bus to hand over their resignations to the Speaker of the Punjab Assembly. Similarly, Akali M.Ps. left for Delhi by train to tender their resignations. All the resignations were dated as the 21st February, 1983.

To see off these M.L.As. and M.Ps., a congregation was held at Manji Sahib, Amritsar, which was addressed by Sant Jarnail Singh Bhindranwale, Sant Harchand Singh Longowal and Surjit Singh Barnala.

All the four Akali M.Ps. and all but two of the 37 Akali legislators of Punjab submitted their resignations to press for the acceptance of the Anandpur Sahib Resolution.

The Government of India, feeling worried by the increasing momentum of the Sikh struggle, tried to restart negotiations and invited Akalis for talks.

On the 3rd February, 1983: Sant Harchand Singh Longowal accepted the fresh invitation received from the Union Home Minister, Shri P.C. Sethi, for tripartite talks which were proposed to be held on the 8th February. He summoned a meeting of the Akali High Command for the 6th February.

A meeting of the Akali High Command held on the 6th February, 1983 decided that Akalis would not participate in any talks with the Government in which the Chief Ministers of Haryana, Himachal and Rajasthan were also present as invitees. The Akalis also refused to talk in the presence of the leaders of the Opposition parties.

On the 7th February, 1983: Sant Harchand Singh Longowal nominated Surjit Singh Barnala, Ravi Inder Singh and Balwant Singh as Akali negotiators. But, during the talks, prominent Akali leaders, S. Parkash Singh Badal, Jathedar Gurcharan Singh Tohra, Jathedar Jagdev Singh Talwandi and S. Sukhjinder Singh were required to be available at Delhi for consultations.

On the 8th February, 1983: At the second round of the tripartite talks in New Delhi, the Punjab Chief Minister, Darbara Singh, disagreed with his counterparts from Rajasthan and Haryana on the river waters issue as the latter opposed the reopening of the 1982 Award. The talks were also deadlocked on the territorial issue. Haryana disagreed with the Akali demand

for immediate inclusion of Chandigarh in Punjab without transferring the Hindi-speaking areas of Fazilka and Abohar to Haryana.

On the 21st February, 1983 : Akali legislators' resignations, which were dated the 21st February, 1983, became effective from this date. S. Parkash Singh Badal, Leader of the Opposition in the Punjab Legislative Assembly, announced that from that day onwards he was giving up all the privileges and facilities which he was enjoying as Leader of the Opposition. Similarly, the party will henceforth resign from the Committees of the Assembly. This widened the gulf between the Government of India and the Sikh leadership and all chances of compromise receded.

On the 22nd February, 1983: Akalis declared that they would not participate in any further talks with the Government, as these have proved fruitless. They also demanded resignation of Giani Zail Singh from the Presidentship of India. It was further decided that Akali M.L.As. and M.Ps. should meet the President of India at Delhi in this connection.

To pacify the Sikh masses, the Government of India decided to act unilaterally by accepting some unimportant demands put forward by Akalis in their memorandum.

On the 27th February, 1983: Smt. Indira Gandhi, Prime Minister of India, addressed a congregation of the Sikhs at Gurdwara Bangla Sahib, New Delhi. She announced that her government had decided to accept the following religious demands of the Sikhs:

- (a) Jullundur Radio Station will broadcast the Gurbani Programme relayed from the Golden Temple, Amritsar.
- (b) The Sikhs will be permitted to wear a nine-inches long sword during air flights.
- (c) Concerned State Governments and Gurdwara Committees will be contacted to frame an All-India Gurdwara Act.

S. Buta Singh, who had succeeded Shri P.C. Sethi as Union Home Minister, announced that the remaining part of the Kotwali near Gurdwara Sis Ganj in Chandni Chowk, Delhi, would also be handed over to the Delhi Gurdwara Parbandhak Committee.

Next day, i.e. on the 28th February, 1983, Sant Harchand

Singh Longowal described the so-called acceptance of religious demands of the Sikhs by Smt. Indira Gandhi, as a fraud on the Sikhs and expressed the Sikhs' determination to continue the agitation till all their demands were conceded by the Government. He issued a charter of eight Sikh demands, which, he said, should be immediately accepted. These demands were:

1. An All-India Gurdwara Act should be enacted.
2. False cases against Amritdhari Sikhs should be withdrawn and they should be released.
3. Chandigarh and all other Punjabi-speaking areas should be included in Punjab. For demarcation, village as a unit and contiguity should be the only considerations.
4. The Award on Punjab Rivers Water Distribution which is unjust and wrong should be cancelled and the matter be referred to the Supreme Court for decision.
5. Control of the head-works of Bhakra-Nangal and Beas Projects should be transferred to Punjab.
6. Federal structure be established in India, and the States should be given provincial autonomy as detailed in the Anandpur Sahib Resolution.
7. Punjabi language should be given the Second Language status for official purposes in the neighbouring States of Punjab.
8. Eviction of Sikh lessees in Haryana and Uttar Pradesh be stopped and proprietary rights in their lands be given to them.

On the 5th March, 1983: Sant Harchand Singh Longowal, as President of the Shiromani Akali Dal, suspended for six years from the party, S. Harbans Singh Manchanda, President, Delhi Gurdwara Parbandhak Committee, for organising a reception and congregation for Smt. Indira Gandhi at Gurdwara Bangla Sahib, New Delhi, on the 27th February, 1983. Later, Mr. Manchanda was shot dead by a Sikh youth.

To mobilise mass participation, Akali leadership gave a new turn to its non-violent struggle.

On the 12th March, 1983: Akali Dal declared 'Rasta Roko' ('Stop Traffic') programme for the 4th April, 1983. It also decided to enrol and collect for oath-taking, at Akal Takht, one lakh Sikh 'Marjeevrhas' (members of suicide squads) on Baisakhi day, i.e., the 14th April, 1983.

To stop the Sikhs' discontentment growing, the Government of India decided to go a step further by conceding the demand for an over-all review of the Centre-States relations.

On the 24th March, 1983: The Government of India appointed a one-man Commission, headed by Sh. R.S. Sarkaria, a retired judge of the Supreme Court of India, to review the Centre-States relations in India and recommend constitutional amendments desired, if any.

On the 25th March, 1983: Sant Harchand Singh Longowal through a press statement welcomed the appointment of the Sarkaria Commission. He, however, demanded that the Commission should be required to submit its report within the prescribed time and its recommendations should be implemented. He also demanded the appointment of a Commission to decide the boundary dispute.

But, instead of easing, the situation took a turn for the worse because of the Government's ill-advised actions, which further alienated the Sikh masses.

On the 27th March, 1983: The police held a 'Nakabandi' (siege) of the Golden Temple, Amritsar, which resulted in increasing the tension. The police put up iron barriers on roads leading to the Temple and the pilgrims were searched. This action of the administration created deep resentment amongst the Sikhs and gave strength to the Akali agitation.

On the 28th March, 1983: Sant Harchand Singh Longowal gave an ultimatum that in case the police barriers around the Golden Temple were not removed within 24 hours, Akali volunteers would forcibly remove them. As a result, the police removed all such obstructions and stopped searching vehicles going to the Temple.

On the 4th April, 1983: Akali workers sat in a 'dharna' on roads to stop all traffic throughout Punjab in pursuance of Akali Dal's 'Rasta Roko' programme. The police opened fire at several places in Punjab to disperse the mobs squatting on roads. This resulted in 19 deaths, while scores of other were injured. Six persons were killed in Kup Kalan in Sangrur district, five in Malerkotla, two in Bhankarpur near Dera Bassi, one each in Patiala, Rajpura, Phagwara and Ferozepur and two in Bhatinda district. Thousands of Akali workers erected barricades and squatted on the roads in furtherance of the morcha launched on the 4th August, 1982. The 146 km. long stretch of the G.T. Road from Amritsar to Ludhiana was completely blocked. The Jullundur-Pathankot highway was also effectively blocked.¹¹

On the 8th April, 1983 : Akali Dal appealed to Punjabis to observe 'Condolence Day' on the 17th April, 1983 in memory of those killed in police firing on the 'Rasta Roko' Day, i.e. the 4th April, 1983. The day was observed by Sikh masses with growing anger.

Police firing on peaceful Akali workers squatting on roads convinced the Akalis that the Government was in no mood to respond to peaceful protests. Guru Gobind Singh's teaching "When all peaceful means fail it is rightful to unsheathe the sword" came to be extensively quoted by the extremist youths who subscribed to Sant Jarnail Singh Bhindranwale's advocacy of an armed struggle to cut the chains of slavery. Under a growing pressure from this circle, Akalis called for recruitment of one lakh 'do or die' volunteers.

On the 13th April, 1983: Sant Harchand Singh Longowal administered oath "to do or die" at the Akal Takht, Amritsar, to 33000 'Marjeevrhas' (members of suicide squad). It was announced that the process of administering the oath to one lakh 'Marjeevrhas' would be completed in three instalments.

With this, a new chapter was added to the hitherto peaceful but prolonged struggle of the Sikhs for justice. Five years earlier, on this very Baisakhi day, innocent Sikhs had been killed by indiscriminate firing by the private army of the Nirankaris, which had given rise to a peaceful struggle by the Sikhs for getting justice from the Government. But the Government's insidious policy towards a solution of the Sikh problems transformed this peaceful struggle into an armed conflict and the Sikh leadership was forced to raise a private army of its own to defend the Sikh identity. Every Sikh came to be worried about the future of the Sikh community as a part of the Indian nation. Alienation of the Sikhs from the national mainstream was growing day by day. To counteract the growing fundamentalist challenge to their leadership, Akali moderate leadership was forced to adopt extremist postures. On the 1st May, 1983, a procession carrying ashes of those killed in Rasta Roko Agitation, started from Nathana, Distt. Bhatinda. It reached Kiratpur Sahib on the 5th May, 1983 after passing through Bagha Purana, Sultanpur, Jullundur, Phagwara, Ludhiana, Malerkotla, Nabha, Patiala and Ropar. The ashes were submerged in river Satluj at Gurdwara Patalpuri in Kiratpur. Wherever the procession passed, Sikh religious sentiments were aroused. While the Sikhs blamed the Hindu Government at the Centre for repression against the Sikhs, the Hindus

blamed Sikhs for agitating to create a separate state. This created Hindu-Sikh tension, which broke out at several places.

On the 2nd-3rd May, 1983: Riots broke out at Patiala where a Hindu shopkeeper, Shambu Parshad of Adalat Bazar, cut the wires of the loud-speakers fixed for broadcasting Gurbani on the eve of the martyrdom day of Guru Tegh Bahadur. Annoyed by this act of Shambu Parshad some Sikh youngmen put the shop of a Hindu to fire, whereupon mobs of both the communities indulged in looting and arson and about two dozen shops of both the communities were set ablaze, besides some vehicles. The Hindu Suraksha Samiti organised Hindu mobs. The city was placed under curfew for the day and orders for shooting at sight those indulging in arson were issued.

The Hindu Suraksha Samiti gave a call for strike throughout Punjab on the 3rd May. But, on that day, riots again broke out and the police fired in the air to disperse the rioting mobs. In fact, the atmosphere had been tense since the 26th April, when Hindu Suraksha Samiti took out a procession with participants waving 'Trishuls'. Hindu mobs stoned the police on the 5th May whereupon a police Sub-Inspector opened fire as a result of which one Ashok Kumar, son of Vidya Sagar, President of the district unit of Janta Party was killed. On search, the police recovered 1 bottle of acid, 40 litres of Kerosene oil and a large quantity of brick pieces. Hindu mobs indulged in arson after the cremation of Ashok Kumar.

On the 12th May, 1983, Sant Harchand Singh Longowal rejected the proposal for division of Chandigarh between Punjab and Haryana. He made it clear that Chandigarh belonged to Punjab and must be given to it.

Akalis, in fact, were not serious in their support to the fundamentalist Sikhs who had now taken over the reins of the Dharam Yudh. To avoid a final confrontation with the government, moderate Akalis expected the government to strengthen their hands by accepting some of their major demands, such as, transfer of Chandigarh to Punjab, which the Government of Smt. Indira Gandhi had already accepted in principle. But Smt. Indira Gandhi seemed to be in no mood to oblige them. These moderate Akalis, under the leadership of Sant Harchand Singh Longowal, had carried on agitation against the Government of Smt. Indira Gandhi by launching the 'Save Democracy' morcha during the emergency imposed in 1975. She had not forgiven these moderate Akali leaders for this act. Therefore, she did not want to streng-

then the base of these moderate elements amongst Akalis as they could pose a threat to her in the coming elections. So these Akali leaders (like Sant Harchand Singh Longowal) were left with no alternative but to put up a bold face.

On the 21st June, 1983: Sant Harchand Singh Longowal, President, Shiromani Akali Dal, rejected the invitation of P.C. Sethi, Union Home Minister, for further negotiations on the Punjab problem.

Akali leaders were also convinced now that the Government of India was in no mood to accept the Sikh demands; even then they wanted to exhaust all constitutional means as they could visualise no future for the Sikhs outside the constitutional framework of India.

On the 25th July, 1983: Sant Harchand Singh Longowal wrote an open letter to members of the Parliament asking them to fulfil the promises made to the Sikhs. He also listed 12 demands of the Sikhs. But non-Sikh members of the Parliament, to whatever party they belonged, did not come to the rescue of their Sikh countrymen.

Instead of giving a serious consideration to the major Sikh demands, the Government tried to play the old trick. During the leadership of Master Tara Singh and Sant Fateh Singh, whenever the Sikhs launched an agitation to get any demand accepted, the Government reacted first by arresting the Sikh volunteers came forward to court arrest, demanding the release of their leaders, the Government suddenly released the leaders and the innocent, simple-minded Sikhs treated it as defeat of the Government and victory of the Sikhs, although the Government never conceded any of their basic demands.

The present Dharam Yudh was launched initially by Sant Jarnail Singh Bhindranwale in 1982 to press for the release of his close associates, Bhai Amrik Singh and Baba Thara Singh. Even an aeroplane had been hijacked by some Sikh militants to press for their release.

On the 4th August, 1983 : An Indian Airline Boeing 737 carrying 127 passengers was hijacked to Pakistan but was not allowed to land at the Lahore airport and therefore it later landed at the Rajasansi airport. The hijacker, identified as Gurbux Singh Majithia, surrendered to the police at the airport. The plane was on a scheduled flight from Delhi to Srinagar via Amritsar. The day was also the first day of the Akali Morcha to get Sikh demands accepted. The hijackers' main demand was release of

Bhai Amrik Singh, President of A.I.S.S.F., and some other Sikh activists.¹²

On the 6th August, 1983: Bhai Amrik Singh, President, A.I.S.S.F. and Baba Thara Singh, incharge, Gurdwara Gurdarshan Parkash, Chowk Mehta, Amritsar, were released by a court. Hundreds of Sikhs present in the court complex immediately brought them in a procession to the Golden Temple, thereby foiling any attempt by the police to rearrest them in other cases. Bhai Amrik Singh had been arrested on the charge of firing at a Nirankari, Joginder Singh Sahni, but the District and Sessions Judge, Amritsar, Mr. B. L. Chopra, acquitted him by holding that the prosecution had failed to prove the allegation. Both Bhai Amrik Singh and Baba Thara Singh were honoured at the Akal Takht on the 8th August, 1983.

The Sikh leadership proved more mature this time and the agitation was not withdrawn as the government had calculated.

In fact, the very nomenclature of the Sikh struggle this time was "Dharam Yudh" which was borrowed from the Hindu epic, 'Mahabharat'. It means 'a fight between righteousness and evil' and, as such, in it there can be no compromise.

On the 15th August, 1983 : Sant Harchand Singh Longowal called upon the Sikhs to gherao District Offices in the whole of Punjab, on the 29th August, during office hours. Akali legislators would present a memorandum listing Sikh demands to the Central Government through Deputy Commissioners of their districts. With a view to pacifying the militant followers of Sant Bhindranwale, the Government managed the acquittal of Swaran Singh, nephew of the Sant, who had been charged alongwith Nacchattar Singh for having committed the murder of Lala Jagat Narain on the 9th September, 1981.

On the 25th August, 1983: The Sessions Judge, Ludhiana, decided the murder case of Lala Jagat Narain. Swaran Singh, nephew of Sant Jarnail Singh Bhindranwale was acquitted, while his co-accused, Nachhatter Singh, was convicted and sentenced to life imprisonment. The court gave benefit of the doubt to Swaran Singh.

But the acquittal of Swaran Singh did not have the effect desired by the Government. The Sikhs participated with enthusiasm in the programme of halting the administrative work in the government offices at district headquarters in Punjab on the 29th August, on the call of Sant Harchand Singh Longowal which was given on the 15th August, 1983.

The police had earlier made large scale preventive arrests of Akali workers to foil their "Kam Roko Programme". In spite of arrests the work in offices came to a standstill.

Militants did not approve of the non-violent methods adopted by Sant Harchand Singh Longowal, and they started committing murders of the Hindus whom they considered responsible for State repression on the Sikhs. Hindus also reacted violently and in the neighbouring State of Haryana there were anti-Sikh riots.

On the 7th September, 1983: Hindu mobs burnt Sikh shops and houses and beat up Sikhs in Yamuna Nagar (Haryana) as a retaliation for the killing of six Hindus in Punjab. Nine houses and fourteen shops of the Sikhs were set on fire. Two Sikh shrines in the town were also attacked. Hairs of some Sikhs were forcibly shaved off and cigarettes were thrust in their mouths.¹³ These incidents aroused further the anger of the militants.

On the 5th October, 1983: A delux bus going from Delhi to Amritsar was hijacked and six Hindu passengers were killed. Darbara Singh's government in Punjab was dismissed and Presidential rule was proclaimed.

NOTES AND REFERENCES

1. The MAYA, monthly, October, 1982.
2. The Indian Express, 13th October, 1982.
3. Quoted in Kuldip Nayar's '*Tragedy of Punjab*', p. 73.
4. Chand Joshi : *Bhindranwale — Myth and Reality*, p. 131.
5. Quoted in Government of India's *White Paper on the Punjab*.
6. *Ibid.*
7. The Spokesman Weekly, 7th March, 1983.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. The Indian Express, 5th April, 1983.
12. *Ibid.*, 5th August, 1982.
13. The 'Sant Sipahi', November, 1983.

Chapter 7

The Gulf Widens

The demand for a Sikh State, in one form or the other, had been raised from time to time, although it never caught the imagination of the Sikh masses. Before the India sub-continent was partitioned, Sardar Swaran Singh, who later became Foreign Minister of India, had pleaded with the British for a homeland for the Sikhs. He is on record saying that since Mr. Jinnah insisted on a sovereign State for the Muslims of India, the Sikhs had no alternative but to demand a homeland of their own and they could have this only by partition. At that time Sardar Swaran Singh was the Development Minister in Punjab. He had met Sir Evan Jenkins, Governor of Punjab, on May 2, 1947, to discuss the Punjab issue. Sir Jenkins conveyed it to Lord Louis Mountbatten in a secret report dated May 3, 1947. Significantly, Sir Jenkins appeared to be in favour of even a third Central State which would house the Sikhs.¹ Later, Lord Ismay, Chief of the Viceroy's Staff, wrote to Mr. Rendercl Moon, then with the Indian Government, on July 3, 1947: "The idea of eliminating the Hindi-speaking parts of eastern Punjab and thus dividing the poor Punjab into three bits, instead of two, was put to His Excellency, but the Sikh leaders (Mr. Baldev Singh and Giani Kartar Singh) agreed that it was not possible for his Excellency to meet their claims now.² It appears that the British, including Lord Mountbatten, were, from the very beginning, sympathetic towards the Sikhs and would have welcomed the creation of a third state but for the nationalist Sikhs, including Mr. Baldev Singh.³

After the British had left India, the demand for a Sikh State with more or less sugar-coating continued to be raised by the Akalis and Sikh youth organisations. On the 4th July, 1965, about 5000 delegates of Shiromani Akali Dal attending Hari Singh Nalwa Conference at Ludhiana had demanded a homeland for the Sikhs. The Working Committee of the Akali Dal met on the 20th July, 1966 at New Delhi and endorsed this resolution. Again, on the 8th October, 1968, when the two Akali Dals led by Sant Fateh Singh and Master Tara Singh

respectively merged, they agreed to strive for a "Sikh Homeland". On the 15th December, 1968, the All India Sikh Students Federation, at its meeting held in Chandigarh, laid down Sikh Homeland as its policy programme. This was endorsed by an open session of the A.I.S.S.F. presided over by Professor Jaswant Singh Mann held at Gujranwala Guru Nanak Khalsa College, Ludhiana. On 12-13 November, 1969, on the occasion of the Bhog ceremony of Sardar Darshan Singh Pheruman, the Working Committee of the A.I.S.S.F. declared him as the first martyr in the cause of the Sikh Homeland and decided to adopt the will of Sardar Pheruman as a document of its programme. On the 15th February, 1970, a delegate session of the Akali Dal held at Anardana Chowk, Patiala, approved a resolution moved on behalf of the Five Member Council demanding a Homeland for the Sikhs. In November, 1970, a Panthic Ekta Convention was held at Patiala under the Presidentship of Bhai Ardaman Singh Baghriyan, which called upon the Sikhs to unite for achieving the Sikh Homeland. On the 21st March, 1971, a Panthic Convention called by the A.I.S.S.F. at the Gurdwara of Sector-22, Chandigarh, endorsed the demand for a Sikh Homeland. In May, 1971, a Delegate Session of the All India Akali Dal, held at Gurdwara Shaheedan, Model Town, Ludhiana, repeated the demand for a Sikh Homeland. It decided to form a separate party, Shiromani Akali Dal (Sikh Homeland) of which S. Hargurnad Singh was elected as President. This Akali Dal demanded immediate Vatican Status for the city of Amritsar.

But this demand for a Sikh Homeland received little public support and had no adverse effect on the cordial relations between the Hindus and the Sikhs till March, 1981, when the 54th All-India Sikh Educational Conference, held at Chandigarh, passed a resolution declaring that the Sikhs are a nation and that they have many problems which require international intervention for their solution. The resolution was lustily greeted with the slogan "Khalistan Zindabad". S. Sohan Singh, a former Director of Health, Punjab, declared from the stage that the creation of Khalistan was the only way to end "blatant discrimination" against the Sikhs in India. Although the Chief Khalsa Dewan, the organiser of this conference, *vide* resolution No. 246, dated the 16th April, 1981, dissociated itself from "those few people" who had raised slogans for a separate Sikh State at the 54th Sikh Educational Conference and clarified that at this conference no resolution demanding a Sikh state was presented or passed, yet, for the first time, the media as well as the Sikh masses took a serious note of this demand. The Indian press reacted with

such hysterical remarks as, "C.I.A. time-bomb in India", and "Zia's agent stirs Sikh passions."⁴

On the 29th March, 1981, the General House of the Sikh Religious Parliament (Shiromani Gurdwara Parbandhak Committee) passed resolution No. 67, which declared that "Sikhs are a separate and distinct nation."

With this demand gaining popularity amongst the Sikhs, the Hindus openly opposed it and the confrontation took an overt communal colouring. Hindu-Sikh brotherhood was thrown to the winds. Sikh psyche was hurt. They asked : "When the Sikhs assert their distinct national identity within the Indian Union, their aspirations are labelled as communal or separatist. But when the majority community raises the slogan "Hindi, Hindu, Hindustan", this is called 'nationalistic'.⁵

Soon, both Hindus and Sikhs became extremely suspicious of each other. Militant groups amongst the two communities soon appeared. If the Sikhs had the All India Sikh Students Federation, the Hindu Youngmen formed their own protection squads (Hindu Suraksha Samitis) which were all too ready to take up the cudgels on behalf of their community.⁶

This gulf between the two communities was widened in May, 1981, when Hindus opposed the Sikh demand for declaring Amritsar as a holy city and banning the sale of tobacco and liquor therein. Such a status was already enjoyed by the Hindu pilgrim places, Hardwar, Kurukshetra and Varanasi, where the use and sale of meat and even eggs is prohibited on the ground that Hindu religious shrines are situated in these towns.

The Hindus actively opposed the Sikh demand notwithstanding the fact that not all Hindus smoke nor is it a part of their religious and social codes. The Hindus' opposition to declaring Amritsar a holy city and banning the sale and use of tobacco in the town was considered by the Sikhs as blatantly communal and irrational.

However, some Hindu organisations were itching for more communal tension. On the 29th May, 1981, Arya Samaj, R.S.S. and some other Hindu organisations took out a procession in Amritsar in support of their "right to smoke" in Amritsar City. According to a news report published in a Punjabi Daily, 'Akali Patrika', provocative slogans were raised against the Sikhs. This inflamed anti-Hindu feelings amongst the Sikhs who too took out a procession in Amritsar on the 31st May, 1981, in support of their demand for a ban on tobacco in Amritsar. When a section of the participants of this procession was returning after the procession ended, someone

threw a stone at them near the Ram Bagh Police Station. The infuriated mob ransacked every shop in the vicinity and attacked some people.⁷ Till the next-day, the Arya Samaj Mandir in Bazar Pashamwala continued to be the trouble-spot. There were repeated skirmishes between Hindu teenagers and the police. Brickbats were repeatedly thrown on the police.⁸

On the 27th April, 1982, some cut-off and bleeding heads of cows were found in front of some Hindu temples in Amritsar. Disturbances broke out at Amritsar and Budhlada Mandi, where some Sikh shops were set ablaze by Hindu mobs. An unsuccessful attempt to set ablaze the historic Sikh shrine at Chheharta in Amritsar District was also made. All this further widened the gulf between the two communities. Hindu-Sikh skirmishes took place in several towns from the 28th to the 30th April, 1982. Sikh religious scriptures were desecrated at Chandigarh.⁹ On the 1st May, 1982, the Government banned two Sikh militant organisations, namely, the Dal Khalsa and the National Council of Khalistan.

But, even in such a surcharged communal atmosphere, there were people who cherished communal harmony. On the 18th November, 1983, Ajit Singh, a Nihang Sikh, saved the life of his Hindu co-passenger, Harbans Lal, by falsely claiming that the latter was his clean-shaven son, when terrorists gunned down four innocent Hindu passengers of a bus going from Amritsar to Moga, near Tarn Taran. Akali leader Sant Harchand Singh Longowal praised Ajit Singh and declared that the killing of innocent passengers was an un-Sikh-like act.¹⁰

But the terrorist activities continued unabated, and on the 15th October, 1983, a bomb was thrown in a town of Punjab on the people witnessing Ram Lila, as a result of which 3 persons died and 22 were injured. 'Hindu Jai Sangh', a Hindu militant group of Rajasthan, issued a warning that it would force the entire Sikh population of Rajasthan to leave that State before the 5th December, 1983. Sant Jarnail Singh Bhindranwale issued a counter-threat that if anything happened to the Sikhs in Rajasthan, he would arrange massacre of the Hindus in Punjab.¹¹ However, the overwhelming majority of the Sikhs till then disapproved of such statements of Sant Bhindranwale. But rivalry between the militant organisations of the two communities increased, and on the 17th April, 1984, the President of the Hindu Suraksha Samiti of a town in Punjab, Mr. Inderpal Gupta, was murdered by Sikh terrorists, along with his three bodyguards.

Meanwhile, the movement for the Sikh State had gained international dimensions. Khalistan Consulates had been set up in most of the major towns of England, Germany, Canada and the U.S.A.¹² These Consulates (which were merely symbolic of the movement) handed out thousands of passports, currency (printed in French, English and Gurmukhi) and postage stamps.¹³ On the 23rd November, 1983, Sant Harchand Singh Longowal, dictator of the Sikh agitation and president of the Shiromani Akali Dal, wrote a letter to the Commonwealth Heads of Governments (CHOGM), then meeting at Delhi. The letter titled "An appeal to the conscience of the Commonwealth countries" appealed to them to intervene and press the Indian Government to solve the Sikh problem.

However, Akali Dal itself was a divided house. The Nirankari episode of 1978 at Amritsar, when the Akalis were ruling the State, in which eighteen persons were killed – and not a single one of them was an active Akali – had completely changed the complexion of Sikh politics. Each Sikh leader was pitted against the other Sikh leader and this led to several developments of varying importance. Not the least of these was the rise of Sant Jarnail Singh Bhindranwale, who had soon earned the reputation of a militant religious leader.¹⁴ A battle of wits started amongst the Akali leaders to bring as many Sikhs in their fold as possible. On the 22nd January, 1984, Longowal Akali Dal organised a youth convention at Amritsar which was attended by about 25,000 youths. Thereafter, on the 8th February, 1984, this Akali Dal or faction gave a call for 'Kam Roko' (Stop Work) in Punjab. The call received a tremendous response and all activity in the State, including rail and road traffic, came to a standstill. This was treated as a victory of the moderate Akalis, and the Central Government invited Akali leaders again for talks.

Tripartite talks between Akalis, the Government and Opposition parties were held from the 14th to the 19th February, 1984, but they ended without any settlement. On the 19th February, when the tripartite talks were still going on, Hindu mobs attacked the Sikhs at Panipat and Yamuna Nagar in Haryana and set fire to several Sikh houses and shops. Nine Sikhs were killed and three Sikh shrines were burnt. The Sikhs alleged that the Haryana police was in connivance with the arsonists and did nothing to stop acts of violence and arson. The leaders attending the tripartite talks left for their states to help in controlling the situation. There were also violent incidents in Punjab when Hindu organisation gave a call for strike. Amritsar and some other towns were placed under curfew on the

15th February, 1984. The All India Sikh Students Federation was also banned, *vide* Notification dated the 15th February. The Central Government recalled Mr. P.S. Bhinder, the Director General of Police, who had been specially sent to Punjab to control terrorists' activities.

The failure of the tripartite talks gave a setback to the prestige of the moderates among the Akalis. Extremists asserted that nothing could be achieved through negotiations. To counter the increasing influence of the extremists, Sant Longowal summoned a meeting of the district Jathedars at Amritsar on the 22nd February, 1984, to discuss the strategy for the future course of action. The meeting demanded that Article 25 of the Constitution which describes 'Hindus to include Sikhs' should be amended to exclude the Sikhs from its scope and a separate personal law for the Sikhs should be enacted. It was further agreed at the meeting that an ultimatum in this regard should be served on the Government, and, if the demands were not conceded, then Article 25 of the Constitution of India should be publically burnt. It was further decided that a demonstration be organised before the Parliament House on the 27th February, 1984 to press these demands. But the police foiled this demonstration and nine Akali leaders were arrested for burning Article 25 of the Constitution in Punjab and Delhi. While S. Parkash Singh Badal burnt Article 25 outside Gurdwara Bangla Sahib in New Delhi, other Akali leaders burnt it at Chandigarh. The Government of India and the Hindus felt alarmed by this new development which clearly pointed towards rejection of the Constitution by the Sikh masses, particularly in view of the fact that the Akali representatives in the Constituent Assembly, S. Hukam Singh and Bhopinder Singh Mann, had refused to accept the draft constitution. S. Hukam Singh had declared in the Constituent Assembly, on the 21st November, 1949 :

"Naturally, under these circumstances, as I have stated, the Sikhs feel utterly disappointed and frustrated. They feel that they have been discriminated against. Let it not be misunderstood that the Sikh community has agreed to this constitution. I wish to record an emphatic protest here. My community cannot subscribe to this historic document."¹⁵

Rejection of the Indian Constitution by the Sikhs would have made a settlement with Sikhs within the framework of Indian Constitution difficult. Some prominent Sikhs, Air Chief-Marshal Arjan Singh, Lt. General Jagjit Singh Arora, and a Former Indian

Ambassador, Gurbachan Singh, flew to Amritsar to dissuade Sant Harchand Singh Longowal from pursuing his programme of burning Article 25 of the Constitution. They gave an assurance that they would prevail upon the Government to seek a suitable interpretation of Article 25 of the Constitution from the Supreme Court. However, Sant Longowal rejected their proposal.¹⁶ On the 17th March, 1984 an Akali Convention held at Anandpur Sahib called upon the Sikhs to observe "Panth Azad Week", from the 2nd April, 1984 to the 7th April, 1984, during which period they were asked to burn Article 25 of the Constitution. To suppress this agitation the Government declared Punjab as a 'disturbed area', and *vide* an amendment (dated 5th April, 1984) made in the National Security Act, the administration was authorised to detain any person for six months without trial. The strength of the para-military forces in Punjab was increased by inducting the Border Security Force and the Central Reserve Police, but nothing was done by the Government to bridge the widening gulf between the Hindus and the Sikhs. Extremist activity in Punjab increased, and on the 14th April, 1984, an attempt was made to set 38 Railway Stations on fire. Several secret meetings were held between the Government representatives and the Akali leaders, but no settlement was reached. The use of the National Security Act made heroes of those who were arrested, and gave birth to a powerful movement. The Congress Government thought it advisable to keep the State of Punjab ablaze and widen the gulf between the Hindus and the Sikhs for exploiting the situation to its electoral advantage.

Meanwhile, fortification within the Golden Temple by the militants was increasing. Sophisticated arms were being stored there. These arms were being smuggled from Pakistan in 'Kar Seva Trucks' which were ordinarily not searched by the security forces. On the 12th May, 1984, the Central Reserve Police Force (C.R.P.F.), however, searched one such truck and found therein a large quantity of arms and ammunition. Personnel of the Indian Intelligence agencies also infiltrated into the extremist ranks to wreck them from within. Surinder Singh Sodhi, Bhindranwale's right-hand man and also his personal bodyguard, was shot dead on the 17th April, 1984, in a restaurant outside the Golden Temple, by a Harijan lady, Baljit Kaur, supported by an accomplice, Chhinda. They were hired by Intelligence agencies through Gurcharan Singh, a close confidant of Sant Harchand Singh Longowal and Office-Secretary of the Akali Dal. Assassins Baljit and Chhinda were killed by the supporters of Bhindranwale on the very next day of the occurrence, while Gurcharan Singh was killed by the followers of Bhindranwale during

Operation Blue Star. These killings brought Sant Harchand Singh Longowal and Sant Jarnail Singh Bhindranwale to a stage of open confrontation. To measure himself, Longowal summoned a meeting of his party members in the S.G.P.C. and district presidents of the Akali Dal, only to find that the rug had been pulled from under his feet by Bhindranwale, as nearly one third of Longowal's delegates defected to the other side.

Events inside and outside the Golden Temple complex were heading towards a flash-point. S. Gurcharan Singh Tohra, President of the S.G.P.C., met the Punjab Governor on the 30th May, 1984 to inform him that the Golden Temple complex had become a store-house of arms and ammunition and things had gone out of his control.¹⁷

Sant Longowal was in secret contact with the Government of India and he had employed Gurcharan Singh as Office-Secretary of the Akali Dal to establish a link with the Intelligence agencies. But when Sodhi's murder exposed Gurcharan Singh's links, Longowal wrote a letter (dated the 25th April, 1984) to Mr. R.K. Dhawan, Personal Secretary to Smt. Indira Gandhi, informing him that Gurcharan Singh's life was in danger,¹⁸ and that he should be protected. The letter further gave Longowal's assessment that "Most of Bhindranwale men will run away when they see the army and most probably he will too."¹⁹

Home Minister Buta Singh's attempt to malign²⁰ Sardar Gurcharan Singh Tohra, President of the S.G.P.C., for conspiring in Operation Blue Star, are false and malicious. The Government was pressing Tohra to ask Bhindranwale and his men to leave the Akal Takht, which Tohra had expressed his inability to do, when he met the Punjab Governor on the 30th May, 1984. It is possible that Tohra may have realised that the zero-hour was approaching, and, on that account, might have advised the priests to conclude the pending Akahand Paths (non-stop recitation of the Sikh scripture) and not to start any fresh 'Path'. That Tohra was not involved in the conspiracy with the Government is also evident from the letter of protest which he wrote to the Government against firing on the Golden Temple by Border Security Forces on 2nd June, 1984.

Sant Harchand Singh Longowal had announced to start non-cooperation movement from the 3rd June, 1984, but, perhaps, he knew that the occasion to start it would not arise as the battle lines had been drawn.

Sant Bhindranwale, too, had known about the impending military operation. He had his men in the police as well as in the Intelligence agencies. While sorting out the documents seized in the Golden Temple complex and other shrines, Intelligence agencies were surprised to come across names of some senior civil and police officials (besides other V.I.P.'s) who were either colluding with or extending help to Bhindranwale.²¹ However, the Sant was ready for the showdown. He promised that he would give the army a 'fitting reply', if they tried to enter the Temple.

NOTES AND REFERENCES

1. The Indian Express, 17th September, 1984.
2. *Ibid.*
3. *Ibid.*
4. Satinder Singh : *Khalist – An Academic Analysis*, p. 143.
5. *Ibid.*, p. 145.
6. B.M. Sinha : 'The Man who set Punjab Aflame' (Art.) in The Illustrated Weekly of India, 24th October, 1982.
7. The Indian Express, 1st June, 1981.
8. The Tribune, 2nd June, 1981.
9. Harish Jain : *Shahadat*, p. 76.
10. *Ibid.*
11. Harish Jain, *op. cit.*, p. 97.
12. Satinder Singh, *op. cit.*, p. 158.
13. *Ibid.*
14. B.M. Sinha, *op. cit.*, p. 22.
15. Constituent Assembly Debates, Volume XI, p. 752.
16. Harish Jain, *op. cit.*, p. 105.
17. The Times of India, 12th August, 1985.
18. The Imprint, August, 1986.
19. *Ibid.*
20. The Times of India, 12th August, 1985.
21. The Blitz, 7th July, 1984.

APPENDICES

Appendix - 1

Population Tables

CENSUS OF INDIA 1981

HOUSEHOLD POPULATION BY RELIGION OF HEAD OF HOUSEHOLD

Religious community	Persons	Males	Females	Sex ratio (Females per 1000 males)
1	2	3	4	5
Hindus	549,724,717	284,365,289	265,359,428	933
Muslims	75,57,514	39,019,643	36,551,871	937
Christians	16,174,498	8,118,081	8,056,417	992
Sikhs	13,078,146	6,957,891	6,120,255	880
Buddhists	4,719,900	2,416,824	2,303,076	953
Jains	3,192,572	1,644,578	1,547,994	941

Religious communities	Percentage to total population	Decadal growth rate 1971-81
1	2	3
Hindus	82.63	24.14
Muslims	11.36	30.69
Christians	2.43	16.83
Sikhs	1.96	26.15
Buddhists	0.71	22.52
Jains	0.48	23.17

Religious communities	Rural population	Percentage to rural population	Urban population	Percentage to urban population
1	2	3	4	5
Hindus	429,086,621	84.53	120,638,096	76.51
Muslims	49,855,797	9.82	25,715,717	16.31
Christians	11,458,726	2.26	4,715,772	2.99
Sikhs	10,245,347	2.02	2,832,799	1.80
Buddhists	3,209,856	0.63	1,510,044	0.968
Jains	1,155,174	0.23	2,037,398	1.29

STATEMENT SHOWING THE GROWTH OF THE SIKHS IN STATES

India/State/Union Territory	Census year	SIKHS		
		Population	Percentage to total population	Percentage increase 1971--1981
1	2	3	4	5
INDIA	1981	13,078,146	1.96	26.15
	1971	10,366,971	1.94	
STATES				
1. Andhra Pradesh	1981	16,222	0.03	28.84
	1971	12,591	0.03	
2. Bihar	1981	77,704	0.11	26.31
	1971	61,520	0.11	
3. Gujarat	1981	22,438	0.07	23.06
	1971	18,233	0.07	
4. Haryana	1981	802,230	6.21	27.13
	1971	631,048	6.29	
5. Himachal Pradesh	1981	52,209	1.22	16.24
	1971	44,914	1.30	
6. Jammu & Kashmir	1981	133,675	2.23	26.26
	1971	105,873	2.29	

— Contd.

India/State/Union Territory	Census year	SIKHS		
		Population	Percentage to total population	Percentage increase 1971-1981
1	2	3	4	5
7. Karnataka	1981	6,401	0.02	(-)6.28
	1971	6,830	0.02	
8. Kerala	1981	1,295	0.01	0.86
	1971	1,284	0.01	
9. Madhya Pradesh	1981	143,020	0.27	44.50
	1971	98,973	0.24	
10. Maharashtra	1981	107,255	0.17	5.40
	1971	101,762	0.20	
11. Manipur	1981	992	0.07	(-)3.50
	1971	1,028	0.10	
12. Meghalaya	1981	1,674	0.13	32.65
	1971	1,262	0.12	
13. Nagaland	1981	743	0.10	8.15
	1971	687	0.13	
14. Orissa	1981	14,270	0.05	39.85
	1971	10,204	0.04	
15. Punjab	1981	10,199,141	60.75	24.99
	1971	8,159,972	60.22	
16. Rajasthan	1981	492,818	1.44	44.44
	1971	341,182	1.33	
17. Sikkim	1981	322	0.10	242.55
	1971	94	0.05	
18. Tamil Nadu	1981	4,395	0.01	0.92
	1971	4,355	0.01	
19. Tripura	1981	285	0.01	(-)10.38
	1971	318	0.02	
20. Uttar Pradesh	1981	458,647	0.41	24.07
	1971	369,672	0.42	
21. West Bengal	1981	49,054	0.09	39.82
	1971	35,084	0.08	

STATEMENT SHOWING THE GROWTH OF THE SIKHS IN UNION TERRITORIES

India/State/Union Territory	Census year	Population	SIKHS	
			Percentage to total population	Percentage increase 1971--1981
1	2	3	4	5
UNION TERRITORIES				
1. Andaman & Nicobar Islands	1981	991	0.52	14.57
	1971	865	0.75	
2. Arunachal Pradesh	1981	1,231	0.19	(-)1.91
	1971	1,255	0.27	
3. Chandigarh	1981	95,370	21.11	45.67
	1971	65,472	25.45	
4. Dadra & Nagar Haveli	1981	11	0.01	266.67
	1971	3	N	
5. Delhi	1981	393,921	6.33	35.31
	1971	291,123	7.16	
6. Goa, Daman & Diu	1981	1,380	0.13	55.93
	1971	885	0.10	
7. Lakshadweep	1981	(-)100.00
	1971	4	0.01	
8. Mizoram	1981	421	0.09	(-)1.41
	1971	427	0.13	
9. Pondicherry	1981	31	N	(-)39.22
	1971	51	0.01	

TABLE HH-15 – HOUSEHOLD POPULATION

India/State/Union Territory	T R U	SIKHS			
		No. of House- holds	Persons	Males	Females
1	2	3	4	5	6
INDIA	T	2,105,790	13,078,146	6,957,891	6,120,255
	R	1,608,984	10,245,347	5,445,357	4,799,990
	U	496,806	2,832,799	1,512,534	1,320,265
STATES					
1. Andhra Pradesh	T	3,147	16,222	9,582	6,640
	R	426	1,915	1,154	761
	U	2,721	14,307	8,428	5,879
2. Bihar	T	11,581	77,704	42,253	35,451
	R	1,300	7,261	4,070	3,191
	U	10,281	70,443	38,183	32,200
3. Gujarat	T	4,386	22,438	12,233	10,205
	R	498	2,172	1,337	835
	U	3,888	20,265	10,896	9,370
4. Haryana	T	121,513	802,230	425,097	377,133
	R	92,966	637,024	338,314	298,710
	U	28,547	165,206	86,783	78,423
5. Himachal Pradesh	T	10,524	52,209	28,116	24,093
	R	6,945	35,997	19,467	16,530
	U	3,579	16,212	8,649	7,563
6. Jammu & Kashmir	T	22,507	133,675	70,652	63,023
	R	14,707	89,245	46,979	42,266
	U	7,800	44,430	23,673	20,757
7. Karnataka	T	1,254	6,401	3,745	2,656
	R	221	1,179	784	395
	U	1,033	5,222	2,961	2,261
8. Kerala	T	260	1,295	834	461
	R	31	126	88	38
	U	229	1,169	746	423
9. Madhya Pradesh	T	24,142	143,020	77,524	65,496
	R	7,003	41,365	22,793	18,572
	U	17,139	101,655	54,731	46,924
10. Maharashtra	T	20,522	107,255	58,145	49,110
	R	1,808	8,508	4,929	3,579
	U	18,714	98,747	53,216	45,531

— Contd.

India/State/Union Territory	T R U	SIKHS			
		No. of House-holds	Persons	Males	Females
				1	2
11. Manipur	T	170	992	634	358
	R	10	148	134	14
	U	160	844	500	344
12. Meghalaya	T	321	1,674	855	819
	R	101	403	221	182
	U	220	1,271	634	637
13. Nagaland	T	107	743	531	212
	R	34	281	241	40
	U	73	462	290	172
14. Orissa	T	2,619	14,270	7,806	6,464
	R	329	1,450	847	603
	U	2,290	12,820	6,959	5,861
15. Punjab	T	1,618,484	10,199,141	5,419,277	4,779,864
	R	1,356,313	8,656,518	4,597,973	4,058,545
	U	262,171	1,542,623	821,304	721,319
16. Rajasthan	T	82,664	492,818	260,906	231,912
	R	71,072	428,878	226,373	202,505
	U	11,592	63,940	34,533	29,407
17. Sikkim	T	88	322	209	113
	R	54	171	112	59
	U	34	151	97	54
18. Tamil Nadu	T	882	4,395	2,546	1,849
	R	102	491	271	220
	U	780	3,904	2,275	1,629
19. Tripura	T	32	285	223	62
	R	21	188	148	40
	U	11	97	75	22
20. Uttar Pradesh	T	77,551	458,647	245,569	213,078
	R	50,637	307,475	165,098	142,377
	U	26,914	151,172	80,471	70,701
21. West Bengal	T	9,274	49,054	28,428	20,626
	R	1,207	5,694	3,329	2,365
	U	8,067	43,360	25,099	18,261

— Contd.

India/State/Union Territory	T R U	SIKHS			
		No. of House- holds	Persons	Males	Females
1	2	3	4	5	6
UNION TERRITORIES					
1. Andaman & Nicobar Islands	T R U	234 123 111	991 494 497	543 285 258	448 209 239
2. Arunachal Pradesh	T R U	307 250 57	1,231 948 283	711 530 181	520 418 102
3. Chandigarh	T R U	19,914 1,837 18,077	95,370 10,995 84,375	51,639 6,207 45,432	43,731 4,788 38,943
4. Dadra and Nagar Haveli	T R U	3 3 ..	11 11 ..	5 5 ..	6 6 ..
5. Delhi	T R U	73,020 904 72,116	393,921 5,713 388,208	208,507 3,119 205,388	185,414 2,594 182,820
6. Goa, Daman & Diu	T R U	237 76 161	1,380 458 922	928 310 618	452 148 304
7. Lakshadweep	T R U
8. Mizoram	T R U	41 5 36	421 238 183	376 238 138	45 .. 45
9. Pondicherry	T R U	6 1 5	31 1 30	17 1 16	14 .. 14

Appendix-2

Distribution of Sikhs

Distribution of the Sikhs Outside the Punjab* (India)

— DR. GOPAL KRISHAN

AMONG the various population groups in India, the Sikhs are one of the more mobile. The 1961 census revealed that out of 7.85 million Sikhs in India, 1.67 million, *i.e.* 21.3 per cent of the total, were living outside the Punjab. There is hardly any district in India which does not have any Sikh population. Besides, an estimated number of about 0.2 million Sikhs¹ have acquired foreign citizenship, notably in the United Kingdom, East Africa and South-east Asian countries, and Canada.

The Sikhs: 1881-1961

The first regular census of 1881 recorded a Sikh population of 1.85 million in *India*. About 93 per cent of them were living in the then *Punjab* and its feudatory states. They had their main concentration in the tract between the Ravi and the Ghaggar rivers, 'the area where Sikhism was born and where it grew'.² The remaining Sikh population was distributed largely in the adjoining states of Sind, Jammu and Kashmir, and North-West Frontier Province.

The number of Sikhs in *India* increased from 1.85 million in 1881 to 3.24 million in 1921, a rise of 75 per cent. The growth rate of *India's* population during the same period was about 22 per cent. The strikingly fast increase of the Sikh population was due to considerable voluntary conversion,³ especially of low castes engaged in providing services and producing goods required by local peasantry. There was some conversion from among the caste Hindus also. Since almost the entire conversion took place in

areas of Sikh concentration, no less than 96 per cent of the Sikhs in 1921 were still confined to the limits of the then *Punjab* and its feudatory states. However, they experienced substantial redistribution within the *Punjab* during 1881-1921. The opening of Lower Chenab Colony in 1892, of Lower Bari Doab Colony in 1917 – all these now in West Pakistan – furnished new avenues of settlement for hardpressed-for-land cultivators in the then central *Punjab*.⁴ It induced out-migration, among others, of thousands of Sikhs from the congested districts of Ludhiana, Jullundur and Amritsar. As a result, the number of Sikhs in the tract between the Ravi and the Jhelum rivers increased significantly. It also gave rise to a prosperous Sikh peasantry conditioned to commercial farming on relatively large irrigated land-holdings. These peasants and their progeny, when migrated to India after partition in 1947, played an important role in revolutionising agriculture of the present Punjab as also of parts of Haryana, Rajasthan and Uttar Pradesh.

The Sikh population in *India* recorded again a fast growth by about 75 per cent during 1921-41 when population of *India* as a whole increased by 27 per cent only. Apart from the factor of a continuous rise in the rate of natural increase due to falling mortality, continued conversion to Sikhism explains this phenomenon. A salient feature of this period was a decline in the Sikh migration within the *Punjab* (following gradual filling-up of the Canal Colonies) in contrast to an increasing tendency among them to out-migrate outside the state. Their migration to big cities, such as Calcutta, Jamshedpur, Delhi, and Bombay deserves special mention. This development was, in fact, associated with initiation of a process of increasing industrialisation, urbanization, transportation and internal migration in India in general after 1921. There was also some agricultural migration of the Sikhs to the Gang Canal Colony which was opened in 1927 in Ganganagar district of Rajasthan. Besides, migration of the Sikhs associated with their recruitment in army,⁵ especially on the eve of Second World War as also at the time of First World War, stands as a class in itself. No wonder, the proportion of the Sikhs living in *Punjab* and its feudatory states in the total number of the Sikhs in *India* declined somewhat from 96 per cent in 1921 to 90 per cent in 1941.

In contrast to its accelerating rate of growth during 1881-1941, the Sikh population increased by only 9.3 per cent during 1941-51 owing mainly to high incidence of mortality brought about

by communal riots at the time of partition in 1947. The partition of the Indian subcontinent, in fact, was a landmark in the history of redistribution of Sikh population. About 2.5 million Sikhs (nearly 40 per cent of the total in undivided India) poured out of Pakistan into India.⁶ Most of them settled down in the Indian Punjab as a result of which they gained an absolute majority in the area now constituting the Punjab state – a development of great significance in the political geography of India. However, a sizable number of agriculturist Sikhs was rehabilitated in other parts of India, mainly Karnal and Hissar districts⁷ of Haryana, the Terai and western districts of Uttar Pradesh, and Ganganagar, Alwar and Bharatpur districts of Rajasthan. The availability of cultivated land vacated by the Muslims on their departure for Pakistan, and reclamation of additional agricultural land through clearing of vegetation and provision of irrigation, facilitated this process of rehabilitation. A number of non-agriculturist Sikh refugees moved to big cities such as Delhi, Kanpur, Bombay and Calcutta. In this way, partition had a three-fold effect upon distribution of the Sikhs: (i) they were completely evacuated from the newly born West Pakistan; (ii) their concentration in the present Punjab (as re-organised in 1966) increased significantly making it a Sikh majority state; and (iii) they scattered considerably to other parts of India for both agricultural and non-agricultural purposes. In 1951, almost 85 per cent of the Sikhs were living within the limits of the present Punjab.

The Sikh population increased by nearly 25 per cent during 1951-61. This growth rate corresponded with the rate of their natural increase as conversion to Sikhism virtually ceased after Independence. However, while the Sikh population in the present Punjab increased by about 17 per cent, the corresponding increase in other parts of India was approximately 80 per cent. It points to continued outmigration of the Sikhs from the Punjab. This out-migration was largely from the rural parts of the Upper Bari Doab and the Bist Doab (the tract between the Ravi and the Sutlej rivers) due, among other factors, to relatively small and declining size of landholdings, aggravating menace of water-logging, and high rates of natural growth, all intensifying population pressure on land resources.⁸ The characteristic desire of the Sikhs to move to areas of better economic opportunities has been another factor in this mobility.⁹ Besides, the scarcity of land in the present Punjab for allocation to displaced persons from West Pakistan impelled the government to settle many of them, including the Sikhs, in

parts of Haryana, Rajasthan and Uttar Pradesh. As a consequence, about one-third of natural increase of the Sikhs in the present Punjab was wiped out through out-migration and their percentage to total population in the state decreased from 57.3 in 1951 to 55.5 in 1961.

The Sikhs Outside Punjab: 1961

The 1961 census data show that out of 1,667,173 Sikhs in India outside the Punjab, 31.2 per cent were in Haryana, 17.0 per cent in Uttar Pradesh, 16.5 per cent in Rajasthan, 3.8 per cent in Jammu and Kashmir, and 2.7 per cent in Himachal Pradesh. The Union territories of Delhi and Chandigarh accounted for 12.2 and 1.7 per cent of these persons, respectively. Thus, 85.1 per cent of the Sikhs outside the Punjab were distributed among its neighbouring states and Union territories. As regards distant states, Madhya Pradesh, Maharashtra, Bihar and West Bengal had 3.9, 3.5, 2.7 and 2.1 per cent of them, respectively. The remaining parts of India, especially the Southern states had only a light sprinkling of the Sikhs.

The Sikh population in Haryana, Uttar Pradesh and Rajasthan is largely rural and agricultural. The reclamation of new agricultural land in Karnal and Hissar districts of Haryana, the Terai districts of Uttar Pradesh, and Ganganagar district of Rajasthan stimulated considerable Sikh in-migration. In addition, availability of the Muslim vacated arable and in parts of Haryana and Western Uttar Pradesh, and in Alwar and Bharatpur districts of Rajasthan facilitated rehabilitation of displaced persons, including the Sikhs, from West Pakistan. There was some Sikh migration to Madhya Pradesh also, especially to its eastern part which has been a scene of new developmental activities since Independence. The Sikhs in Jammu and Kashmir include partly the descendants of those living in this area since the days of the Sikh rule (1819-1845), and partly the persons who migrated from West Pakistan after partition.

The urban component of the Sikh population outside Punjab is about 44 per cent of the total.¹⁰ The largest urban concentration of the Sikhs anywhere in India is to be found in Delhi where they number about 0.2 million and make 8.6 per cent of total population. Most of them hail from West Pakistan, and are engaged in diverse activities, particularly trade, industry and transport. During 1947-61, the Sikh population in Delhi multiplied nearly ten times. Likewise, most of the big towns in Western Uttar

Pradesh and Eastern Haryana, which also received a large number of displaced persons, recorded considerable Sikh population at the 1961 census. Moreover, certain big cities, such as Bombay, Kanpur, Jamshedpur, Calcutta, Lucknow, Poona, Jabalpur, and Indore (mentioned in descending order of their Sikh population) had five thousand to twenty-five thousand Sikhs each. The numerical strength of the Sikhs in large industrial and cantonment cities is especially note-worthy.

It follows that an overwhelming majority of the Sikhs outside the Punjab is distributed in its neighbouring areas. Within these areas, they are concentrated mainly in newly developed agricultural lands as also in some big urban centres. The Sikh population in the remaining parts of India is confined largely to big industrial and cantonment cities. The sparseness of the Sikhs in the Southern states of India is conspicuous.

The Sikh Emigration

The enterprising Sikhs migrated not only to various parts of India but also to certain foreign countries. Impelled by economic conditions at home and lured by rich opportunities abroad, a small number of them began emigrating during the closing years of the nineteenth century. Starting settling in Burma, Malaya States and Hong Kong, the Sikhs went as far as Canada in 1904. Another wave was directed towards Australia and Fiji Islands. Similarly, some of them moved to East African countries and the United Kingdom. Most of these emigrants belonged to agricultural and artisan families, and hailed from the densely populated districts of Jullundur, Hoshiarpur, Ludhiana and Amritsar. They initially got employed as guides (soldiers on guard duties) in the former Malaya states, businessmen in Hong Kong, lumberers in Canada, farm-hands in the United States, railroad construction workers in East Africa, and factory labourers in the United Kingdom. By and large, the Sikhs, like other Indians, were dissuaded from emigrating to white countries and were induced to move to non-white Commonwealth countries.

At present, the largest number (about 100,000) of the Sikhs outside India is in the United Kingdom. This was the only country to allow Indians to enter freely for a livelihood till Commonwealth Immigration Act came into effect in 1962.¹¹ Most of the Sikhs in this country live and work in industrial towns, and are concentrated in East End and other parts of London, Southall, Birmingham conurbation, Bradford, Leamington Spa and Glasgow.¹²

Next to the United Kingdom, the East African countries, which were former colonies of the Britishers, have a large number of Sikhs (about 30,000) who are primarily the descendants of contractors and labourers brought to build Kenya-Uganda Railway at the close of the nineteenth century.¹³ The Sikhs now are mainly in big cities, such as Nairobi, Mombasa, Daresaslaam, etc. and are engaged in a variety of professions, including trade, construction, industry, teaching and general services.

Among the South-east Asian countries, Singapore has about 20,000 Sikhs, Malaysia about 10,000 and Burma about 5,000. This was the region to experience first emigration of the Sikhs. Burma became a part of the British India in 1886 – a factor which facilitated migration of Indians, including the Sikhs, to this area. Now the Sikhs in Rangoon and Mandalay account for most of them in this country. The Sikh emigration to Singapore and Malaysia started almost at the same time. They came initially as soldiers on guard duties but later on they were recruited mostly in police service. Besides, a good number of them got employed as watchmen in banks, factories and offices. Some Sikhs in Singapore joined trade, especially of cloth. The descendants of these Sikhs are, however, to be found in all walks of life as teachers, lawyers, doctors, etc. Most of them live in big cities, such as Singapore, Kuala Lumpur, Ipoh, and Penang. Some Sikhs residing in rural areas peripheral to urban places are dairy farmers.

Using Burma, Malaya and Hong Kong (which has about 3,000 Sikhs citizens, chiefly in business) as spring-board, some Sikhs emigrated to Canada and the United States. The former has about 7,000 Sikhs, notably in lumbering activity in British Columbia, and the latter has nearly 5,000 Sikhs, many of whom work as farm-hands in California. In Iran, about 2,000 Sikhs are settled in Tehran, Zahedan, Isfahan etc., and business is their main vocation.

Thus, the United Kingdom and its former colonies attracted most of the Sikh emigrants. Prior to Independence of India, this emigration was mainly to East Africa and South-east Asia but later it was directed chiefly towards the United Kingdom and Canada. However, after the implementation of Immigration Act by the British Government and imposition of restrictions on immigration by the Canadian Government, emigration to these countries has become difficult.

The preceding discussion is a testimony to a great mobility among the Sikhs. The main factors responsible for their migratory tendency have been a long tradition in army service, a strong

propensity to colonize newly-developed agricultural lands, and a keen desire to avail themselves of better economic opportunities in other areas. In recognition of their repute as brave soldiers and enterprising farmers, the Britishers in India gave them preference in recruitment to Imperial army and in colonization of new areas. Basic to the entire process of migration has been the intensifying pressure of fast increasing population on cultivable land, especially in the context of predominantly agricultural economy of the Sikhs. This apart, their complete evacuation, as also of other non-Muslims, from West Pakistan at the time of partition set them on a move for rehabilitating themselves in various parts of India which enhanced their mobility.

To summarize:

- (i) The number of the Sikhs more than quadrupled during 1881-1961. Nearly one-third of this rapid increase is attributed to the process of voluntary conversion (which virtually stopped after partition) to Sikhism, and the remaining two-thirds to the factor of natural growth.
- (ii) At the time of first regular census in 1881, the Sikhs were concentrated mainly between the rivers Ravi and Ghaggar, the tract which is practically the present Punjab with the notable exclusion of Lahore district now in West Pakistan.
- (iii) The opening of Canal colonies between the rivers Ravi and Jhelum during 1892-1917 stimulated considerable movement of the Sikhs from the congested districts of the then central *Punjab* to these newly developed areas (all of which fell to the share of West Pakistan at the time of partition). It resulted in considerable redistribution of the Sikhs within Punjab.
- (iv) As the Colonies got filled up gradually, the Sikhs started migrating outside Punjab, notably to big industrial cities of India. Nonetheless even by 1941, almost 90 per cent of the Sikhs remained confined to the *Punjab* and its feudatory states as compared with 93 per cent in 1881 and 96 per cent in 1921.
- (v) Consequent upon partition of India in 1947, the distributional pattern of the Sikhs underwent a phenomenal change. They were evicted *en masse* from West Pakistan; they gained an absolute majority in the area constituting the present Punjab; and they

experienced a wider dispersal in other parts of India. In 1951, about 85 per cent of them in India were living within the limits of the present Punjab.

- (vi) Impelled by economic considerations, the Sikhs continued out-migrating even afterwards. The 1961 census recorded that 21.3 per cent of them were living outside their home state of present Punjab. However, no less than 85 per cent of such persons were distributed in the neighbouring areas of the state.
- (vii) Lastly, the Sikh emigration, which started during the late nineteenth century, kept involving a good number till now. The United Kingdom, the East African and South-east Asian countries, and Canada have been the principal recipient of these emigrants.

ACKNOWLEDGEMENTS

The author is highly grateful to Professor Gurdev Singh Gosal, M.A.(Pb.); M.S., Ph.D.(Wisconsin), Head of the Geography Department, Panjab University, Chandigarh, for his critical suggestions in preparation of this paper. Thanks are also due to Dr. R.C. Chandna of the same Department, and professor G.S. Talib, Head of the Guru Nanak Sikh Studies Department, Panjab University, Chandigarh for going through the manuscript and suggesting some improvements.

NOTES & REFERENCES

- * The Punjab refers to as it was reorganised on November 1, 1966. Wherever the *Punjab* occurs in italics, it stands for its jurisdiction before partition on August 15, 1947. Likewise, *India* in Italics is the country before its partition.
- 1. Data calculated from the information given in the *Illustrated Weekly of India*, November 23, 1969, p.36.
- 2. Gurdev Singh Gosal and A.B. Mukerji, "The Religious Composition of India's Population — A Spatial Analysis". *Tijdschrift Voor Econ. En. Soc. Geografie*, 51 (1970), p. 97.
- 3. The proselytisation activities of the Singh Sabha and other Sikh organizations played a vital role in this conversion. The Sikh denial of caste and their willingness to accept converts was a great inducement for low caste Hindus to change their religion to Sikhism in order to gain social status. The conversion of some of the high caste Hindus is explained, among other

factors, by attraction of the patronage given to the Sikhs by the British government in army service.

4. See Malcolm Darling, *The Punjab Peasant in Prosperity and Debt*, Oxford University Press, London, 1947, pp. 111-113.
5. The Sikhs possess a strong military tradition, and were recruited heavily by the Britishers in Imperial Army (See Kingsley Davis, *The Population of India and Pakistan*, Princeton University Press, Princeton, 1951, p. 181). In 1944, when the Indian army numbered over two million 10 per cent of the Indians recruited were Sikhs, i.e. nearly, seven times their proportion in the total population (See Raleigh Parkin, *India Today*, John Day, New York, 1945, pp. 89-90). This tradition in army service brought the Sikhs to various kinds of areas, exposed them to external influences, and acquainted them with opportunities outside their native areas—all important in stimulating out-migration among them.
6. Khushwant Singh, *The Sikhs*, George Allen & Unwin Ltd., London, 1953, p. 120.
7. Karnal and Hissar districts were formerly in the Punjab before its reorganization in 1966.
8. Gurdev Singh, Gosal, "Changes in the Religious Composition of Punjab's Population, 1951-61," *The Economic Weekly*, 23rd January, 1965, 119-124.
9. Gurdev Singh Gosal and A.B. Mukerji, *op. cit.*, p. 98.
10. By comparison only 11.4 per cent of the Sikh population in the Punjab is urban. In fact, urban Sikh population in Punjab (706,600) is less than that in other parts of India (734,770).
11. Rashmi Desai, *Indian Immigrants in Britain*, Oxford University Press, London, 1963, p. 2.
12. G.S. Aurora, *The New Frontiersmen*, Popular Prakashan, Bombay, 1967, p. 46.
13. See Haraprasad Chattopadhyay, *Indians in Africa: A Socio-economic Study*, Bookland Pvt. Ltd., Calcutta, 1970, pp. 335-341.

Appendix-3

Politics of Punjab Economics

The Politics of Punjab

— I. K. GUJRAL

Gurmukh Singh Musafir, Giani Zail Singh, Darbara Singh – there is an array of prominent Sikhs in Punjab, but the coalescing faction of Hindu Congressmen was not encouraged by the Central leadership to come up to any stature. As a result, effective Hindu leadership slipped out of Congress hands. In religious matters, the Arya Samajist approach has come to dominate and, in politics, the RSS and Jana Sangh-BJP have held sway.

There are some economic factors which also need understanding. Prior to independence, the Punjab always had two distinct regions. The present Pakistani Punjab, which was the heart of Maharaja Ranjit Singh's empire, did not get 'Sikhised'. The peasantry there were predominantly Jat Muslims. The Hindus and Sikhs there were mostly involved in urban occupations. In villages, they were mostly shopkeepers and money-lenders.

In the newly irrigated areas of Montgomery and Multan, the British inducted Sikh peasantry from other regions. The British irrigation development plans were mostly confined to the terrain covered by four of the six rivers: Sind, Jhelum, Lower Chenab and Ravi. The Sutlej and Beas received rather limited attention.

After the partition of India, the population exchange brought to India the migrated Sikh peasantry. A large number of Punjabi Hindus now settled in Punjab continued pursuing their non-agricultural vocations.

As the impact of the Bhakra Canal system was felt, the land of Punjab received a renewed impulse and soon turned into the main granary of the country. In some regions, the canal network raised the water table offering new opportunities for rice cultivation. This made Punjab the largest producer of rice in the country.

The industrial growth of Punjab has not kept pace with agriculture due to a variety of reasons. The entrepreneur class, both Hindus and Sikhs, came and settled in Delhi. They made Faridabad and the area around Delhi (which were then part of Punjab but are now in Haryana) the focal point of their activity. While Punjab may not have grown industrially, the Punjabis have come to occupy positions of eminence amongst the industrial elite.

The Hindus living in Punjab mostly took to commerce and small-scale industry. With agrarian prosperity coming to the fore, their share, too, has been considerable.

In the absence of industrial growth, sizeable agrarian and commercial savings of the Punjabis have been channelled out of the State through the banking network. It is commonly believed that about two-thirds of the Punjabi's bank deposits get invested outside Punjab.

The Punjabi migration abroad, unlike that of Gujaratis, for instance, has been mostly to UK and the Americas. Mostly the landless and the deprived section of society left their homeland to seek a living abroad. Their remittances to their kin have added a great deal to Punjab's prosperity.

Similarly, the Punjabi Sikhs particularly occupy a proud position in our armed forces. Their remittances, too, help a great deal in boosting Punjab's remittance economy. This remittance economy does not find productive avenues for investment. Land values, both urban and rural, have, therefore, risen a great deal. The price of an acre of agricultural land, say near Jullundur, has no relevance to its productivity.

The absence of industrial development channelises this affluence into unproductive consumerism. As a result, an unhealthy competition in 'show-offism' results in some pronouncedly social distortions like the evil of dowry and ostentatious living.

Agricultural surpluses and wastes also need industrial outlets. Unless these are recycled, Punjab's economy will not find adequate resource utilisation.

Punjab has nursed a grievance that even agriculture-based industry has not been built adequately. This year, for instance, the State had a bumper sugarcane crop. The two comparatively medium-sized sugar mills could not cope with this harvest. After a great deal of persuasion and agitation, two new sugar mills have now been sanctioned. This hardly touches the heart of the problem.

Similarly, some regions of Punjab have been producing cotton. Apart from some ginning factories, there are two or three small-sized textile mills. With the Bombay textile mills on strike, the outlet for Punjab cotton will shrink, resulting in further frustration.

Some other issues like the control of the Bhakra Canals and the management and division of water between Punjab and Haryana should have generated a joint Punjabi front. But here, too, divisive policies were asserted and the political leadership of the Congress and BJP did not mind when more water was passed on to other States. Without going into the merits of the proposition, it looks rather odd that additional water to Punjab for the generation of energy should not interest them.

It is the legacy of Punjab politics that such grievances as these are voiced by the Alkali party. Neither the Congress nor Jana Sangh (BJP) has ever taken these up in a convincing way or on a sustained basis.

The planners in Delhi dismiss most of the Punjabi demands on the plea that 'Punjab is already prosperous, let others first catch up'. While this may sound justified on the face of it, India's composite personality, at this stage, has to effectively deal with the second generation problems of growth of every reign on merit. Regional imbalances cannot be corrected by thwarting the growth of some parts. On the contrary, it should induce us to accelerate economic growth. In a way, it is interesting to see that while Punjab's demand for industrialisation is rejected, nobody in his senses ever wishes to limit its agricultural growth. This exposes the fallacy of the argument.

The Punjabi protest is against being treated as producers of raw materials only, while the 'value-added benefits' go to others: not to the backward regions but the industrially advanced States. Unfortunately issues like this, deeply affecting the economic interests of the entire State, have not been used to unify all Punjabis.

For their own reasons, the Imperial rulers chose to recruit only 'martial races' to the then British Indian Army. On this basis, in undivided Punjab, their selection was mostly confined to Muslim, Hindu and Sikh Jats. With the division of the country, the Muslim jawans and officers mostly opted for Pakistan. The Punjabi segment of the Indian Army comprised mostly young men coming from the Jat families of Haryana and Punjab.

In independent India, the divisive concept of 'martial races' was rightly abolished. Young men from all sections of society are now free to join the armed forces, subject, of course to their

fulfilling the required standards. So far so good. But then someone decided that future recruitment from Punjab would be in proportion to its population. This in practice meant that the Punjabis would get about 15 per cent since they are about a crore and a half in the total Indian population of nearly 70 crores. This is a dangerous concept and is in sharp contradiction with national policies. Apart from the Scheduled Caste and Tribes, governmental jobs are given on the basis of merit. Once we start recruitment in any service on a communal proportional basis, we lay the foundation for the fragmentation of our national life. The Akalis have taken up this issue too. According to them no satisfactory reply has been given even by the Prime Minister. The national leadership must correct it even if initially someone has made a mistake.

In a vast and diverse country like India, democratic participation and federally decentralised administration are synonymous. Reluctance to fully grasp the desirability of such devolution of authority to the States is resulting in an increasing number of agitations everywhere. The Constitution-makers had the foresight but in the contemporary phase of our history, political leadership at the Centre has, in practice, diluted this concept. Now you witness Centrally nominated Chief Ministers and Ministers who derive their authority from the Central leadership rather than from their own people. This reduces their status from that of 'leaders' to *subedars*. This line of thinking has given birth to 'regionalism', and one now sees quite a few States preferring regional parties with local roots.

Center-State relationship are now assuming the shape of serious controversy. With the passage of time, the federal polity of India has been weakened. Central Government (more informally than formally) has assumed most of the powers. This trend is weakening the infrastructure of our national life. A large number of problems emanate from the false belief that centralisation of powers makes a country strong. On the contrary, this leads to the emergence of a callous bureaucracy. Local leadership loses contact with grass-roots and starts paying court to powerful coteries in Delhi. As a result, local frustration leads to agitations and the setting-up of regional parties.

In Punjab the movement for devolution of powers has been led by the Akali party. Both the BJP and the Congress have exhibited a lack of interest. If at all, these parties, representing the bulk of Hindu opinion, have given the impression that they would prefer the *status-quo* or even more centralisation.

In totality, divisive politics has now led to a situation when, both politically and economically, the Akalis have been invested with the task of raising the voice of Punjab, while others non-Akali Sikh leaders and the Hindu leaderships – have led themselves to believe that they have to remain cool or lukewarm. A joint broadbased Punjabi front around the vital issues of Punjab would not only integrate the politics and social life of the State, it would also enhance the productive capacities of our people. Secularism, in its positive sense, means only this.

In this background, when to repeat, a minority feels alienated, grievances and complaints soon led to radicalisation. Absence of a common Punjabi platform encourages divisive and irresponsible politics which soon yields ground to extremism. And that has been happening in Punjab. Moderate Akalis – both in the legislature and outside – are feeling helpless even when they see some extremist elements acting against the very basic tenets of Punjabi and Sikh culture.

Governments, these days, are made and unmade in Delhi. Nominated leaders lack both the vision and the capacity to unify Punjabi politics or to rule firmly.

I, like millions in Punjab, believe that the fundamental unity of Punjabi culture is firm and the social relationship amongst the Hindus and the Sikhs has fortunately not been distorted. To restore normalcy and to bring the State back on its rails, we need both short-term and long-term remedies.

Foremost, of course, is the need for a firm administration which fairly and fearlessly administers. This, of course, needs a leadership which commands the respect and confidence of the people and the bureaucracy. Nominated Chief Ministers even when they have merit, forfeit credibility from the word 'go'. If some sections of the police and the law-enforcing authorities have been 'polluted' by the virus of sectional outlook, then fairer elements have to be injected even from outside the State for a brief period at least.

It is logical that extremists should be isolated from a large body of Sikhs, and this can be done by leaderships of both communities realising that the common Punjabi causes concern all of them equally.

While some leading sections of Hindus like the BJP, the Congress and the Arya Samaj will have to rejuvenate the 'dying cells' of shared values and induce a positive Punjabi outlook, the responsibility of the Akali politicians – of all hues – is far more.

They have to take initiatives to 'Punjabise' their demands and grievances. Only a broad joint platform can ensure their return to power and effective assertion to get the State's due from the Centre. Divisiveness, beyond a point, contradicts their political interests too. It is time the saner sections asserted themselves.

Of course, it is easy to prescribe the obvious, but the process of reversing the present divisive trends needs reorientation and gigantic effort.

This effort has particularly to be made by 'in-power' and 'out-of-power' political leaderships in Delhi. There is a crying need for an honest national consensus regarding Punjab. We are just now witnessing a horrible sight of seriously disturbed minds in most of our border States including Punjab. It is time we shook ourselves up.

Courtesy: The Telegraph

(Mr. I. K. Gujral was the Indian Ambassador to the Soviet Union and before that a Union Minister for nearly a decade.)

Appendix-4

Crisis in Sikh Leadership

Crisis in Sikh Leadership

— KAPUR SINGH (EX. M.P.)

*Inaugural Address At the Annual Gathering of
The All India Sikh Students Federation held in
Patiala on 1st June 1971.*

SIKHISM is a distinct world religion in its own right and not a sect of Hinduism, and the Sikh society is likewise a distinct society having its own postulates of social organization and also, the Sikh people legitimately aspire to political sovereignty and an autonomous status, such as they had acquired in the eighteenth century after making tremendous sacrifices and which they lost in the middle of the nineteenth century through a combination of malevolent circumstances and inner weakness of their own political structure.

These points must be borne in mind before we come to consider whether Sikhism as an independent world religion is viable in the modern world, and whether the Sikh people have now, in view, some definite political goal, and lastly, whether such a goal is capable of being achieved.

Many people seem to have already forgotten that Shiromani Akali Dal, which is the central executive committee of the permanent political party, called the *Khalsa Panth*, in its annual All India Session held at Ludhiana in November, 1966, unanimously passed the following resolution which, *inter alia*, says that:

“The Sikhs resolve and proclaim their determination to resist all attempts being made to devalue and liquidate the Sikh people in free India. And demand that the rulers of India should take the following steps forthwith to assure and enable

the Sikhs to live as respectable and equal citizens of the Union of India, namely: *First*, the Sikh areas deliberately and intentionally cut off and not included in the new Punjab, namely, the areas of Gurdaspur District including Dalhousie, of Ambala District including Chandigarh, Pinjore, Kalka and Ambala Saddar, of Hoshiarpur District, the entire Tehsil of Una, and the *Desh* area of Nalagarh Tehsil, and the Sirsa Sub-Division of Hissar District and areas of Shahabad, Tohana and Guhla and Ratia Block of Karnal District, and the Ganganagar area of Rajasthan, must be immediately included in the new Punjab so as to bring all contiguous Sikh areas into an administrative unit, to be called the 'Sikh Homeland', within the Union of India, and *Second*, this new Punjab should be granted an autonomous constitutional status with same powers and privileges as were granted to Jammu and Kashmir, in 1950, in the Constitution Act of India, and The Constitution Act of India should further concede that in this Sikh Homeland Sikh interests are of special importance."

This is the political goal which the Shiromani Akali Dal placed before the Sikh people in the changed circumstances of India, but almost simultaneously a split occurred in its organization and eventually the dissident group organized under Sant Fateh Singh succeeded in taking control of the Sikh *gurdwaras* in Punjab and also capturing such Sikh representation as they could, in the Indian Parliament as well as in the Punjab Legislative Assembly. This new group then completely abandoned all claims to any political aspirations for the Sikh people as such and strove for retaining the control of *gurdwaras* and for forming a government in the new truncated Punjab in which the representatives of this group may have an effective voice.

To achieve and retain this position, this group not only elbowed out the genuine Shiromani Akali Dal which had remained loyal to the true historical impulses of the Sikh people but these men also abandoned and repudiated openly every pretension of any concern for either making Sikhism or Sikh people viable in the modern world. They do not believe that politics are a vocation for those who would achieve and advance public good, because they are convinced that politics are a game for squeezing the maximum amount of personal gain for those who enter its arena. It is at this stage that the Sikh people find themselves at the present moment.

In the fateful year of 1947, the Sikhs had a good opportunity of acquiring for themselves a sovereign or an autonomous status in the Indian sub-continent such as could enable them to walk into the mainstream of the World history, but such was the incompetence of the leadership that they had thrown up and sustained during those days that all the friends and well-wishers of the Sikhs were unanimous in concluding that the Sikh leadership had lost the battle on the negotiation table which they had been conceded by the contingency of history.

Ian Stepehens, who was a good-hearted Englishman, editing, during this fateful period, the powerful English daily of Calcutta and Delhi, *the Statesman*, wrote in his book, *Pakistan* (1963) that:

"So far as the Sikhs understood what was happening in 1947, which was not much, was not taken advantage of by the Sikh leadership, which was in the hands of non-Jat *Khatris*. The *Khatri* Sikhs are seldom politically wise though much given to intrigue...."

Trying to explain the reasons for this unfortunate situation the author observed that:

"In modern times (the Sikhs') political leadership has mostly been poor, partly because their numbers are small, but also because their talents are of a markedly practical go-getting sort. "As a result of this second factor their ablest men, the cream of the community, are continually skimmed off into lucrative activities outside politics..... Politics amongst Sikhs, has, in recent years, got not much more than the leavings."

Others, more stern but less concerned spoke out the same truth but in a different language.

H.V. Hodson, the Constitutional Adviser to Lord Linlinthgow, the Viceroy of India during the years immediately preceding 1947, in his well-documented book, *The Great Divide* (1969) observes that,

"On the approach of the Transfer of Power, the Sikhs who mattered were not those in ordinary politics but men with influence in and through the *gurdwaras*. They had neither the training nor the experience to cope with the problems of partition. Ill-verses in national politics, divided in their attitude, the Sikhs reverted to a historical posture of only defence and defiance."

He wrote further:

"Time and again the powers that were in the Central

Government of India complained of political incompetence of the Sikhs."

Hodson coolly dismisses the entire tragedy relating to the political fate of the Sikhs in the mid-twentieth century by saying that,

"The Cabinet Mission persisted in regarding the Sikhs, perhaps, because of their wagging beards and political naivete, as pathetic misguided dotards who were behaving like silly children."

Why does such a terrible fate overtake the otherwise active, dynamic, sober and practical-minded Sikh people again and again? In the fifth decade of nineteenth century this chronic political incompetence of the leadership thrown up and sustained by the Sikhs lost them their empire and sovereignty within seven or eight years of the death of Maharaja Ranjit Singh, and again in 1947 it lost them an opportunity which the History may take another hundred years to offer to the Sikhs.

Ian Stephens gives out an explanation but this would not satisfy those who know the political affairs of Sikhs from inside and somewhat more intimately. There is something inherently fatal in the make-up of political consciousness of the Sikhs which does not let them submit to an inferior political status of camp-followers and secondary citizens but which also renders them incapable of throwing up and sustaining an honest, dedicated and competent political leadership.

Sikh Democracy

The Sikh society was founded on principles of democracy by Guru Gobind Singh and their overall political impulses have been of a democratic nature.

Sir George Campbell, the author of *The Memories of My Indian Career* (London, 1840) has rightly observed that:

"The Sikh (socio-political) system is very much like that out of which German system sprang. They formed Misls or military confederacies. Each *Misl* elected its own supreme chief and sub-chief.....The combined *Misls* formed the *Khalsa* or the Sikh Commonwealth."

Now, it is the kind of structure that can compare favourably with the impulses that led to Anglo-Saxon and American political

institutions and yet in the case of the Sikhs it, twice in history, had led to chaos and collapse instead of development and fruition.

Cancerous Malady

This is because of a basic malady that afflicts the historical Sikh people, that is, the ethnic groups and tribes that embraced Sikhism in the north of India.

This basic malady is two-fold. In the first place, for reasons of a complex historical and racial character, the Sikhs interpret the democratic process not as the Greeks or Germans interpreted it and not as the Anglo-Saxon communities interpret it. The latter mean by the democratic process a process wherein the pros and cons of a subject and situation are freely discussed and thoroughly probed into and then, after honestly and carefully taking into consideration the arguments advanced, and the facts ascertained, the majority concur in agreeing that such and such decision or course of action is in the best interests of the collectivity of their people.

Amongst the Sikhs the practice is not to try to arrive at the best decision but to try to achieve a consensus on the spot. It is customary to hear this type of argument in assemblies and forums of the Sikhs: "It is obvious that what Mr. A says is the right thing and it is the best course to follow in the circumstances. But we have to work together and particularly we must ensure that 'so and so' and 'so and so' are not estranged. These 'so and sos' are adamant that what they have said also must be accepted. Otherwise, they feel that they are regarded as nobodies in the community. Let us, therefore, accept a part of what Mr. A has said and some portions of what 'so and sos' have said so that everybody feels that his opinion has prevailed. And let this be our unanimous decision: 'bole so nihal, sat sri akal.'"

Under this procedure, as can be readily understood, it is the silliest and the worst decision, that usually comes to prevail because this perverted democratic temper of the Sikhs puts a premium on the fool, the vulgar, the traitor, and the intriguer. If merits and dispassionate consideration is not the final test of a correct decision and it has to be the consensus wherein everyone, particularly every undesirable rogue, has not only equality of opportunity, but equality of effectiveness, then it is obvious that this type of democratic process shall inevitably lead to chaos and disaster for the Sikhs, again and again.

This is what has happened to the Sikhs more than once during the last one century and more.

Low-grade Sikh Leadership

Secondly, there is the factor to which an allusion has been made by Ian Stephens, namely, the capturing of Sikh leadership by a class of people who make up their lack of wisdom in politics by unmitigated proclivities for personal intrigue. This has brought about irretrievable degeneration in the Sikh norms in every sphere of their group activities: religious, social and political.

The Sikh Press

The Sikh Press, such as it is, in the hands of those who are leavings of the Sikh society in every sense of the term. They are such persons who did not and could not make good in any other sphere of life. Of course, it is not true of the entire Press, but it is true of the Sikh Press in general, and it is these people, and those who work as their tools who have wrought havoc in the Sikh affairs during the last three or four decades and have brought the community to the brink of total collapse and degeneration. These spivs have neither background nor integrity and yet they are the opinion-makers and leader-makers in the Sikh community.

This point can be clearly stated only through concrete illustrations and one or two are, therefore, given below:

- (1) The political goal of the Sikh Homeland within the Union of India, to ensure religious viability of the Sikhs in the modern world, and political guarantee of their significance in the current history, was openly repudiated by the non-genuine Shiromani Akali Dal in the seventh decade of this century and the dimly-lit torch of true Sikh politics was carried forth only by one or two adamant individuals backed by the Sikh youth and such honest sections of the Sikh people who had been elbowed out of the religious and political organization, the Shiromani Akali Dal. These adamant individuals, only one or two in number, happened to belong to the Jat group of the Sikhs which the town-living non-Jat Sikhs who have migrated to India since 1947, from trans-Jhelum areas, look down upon with ill-concealed contempt. During the last year or so a well-conceived campaign was set up in the Sikh Press by these non-Jats under the inspiration and leadership

of the political-minded daughter of the late Master Tara Singh, who has now usurped control of the Daily Jatheddar which was established out of public funds for sponsoring Sikh causes.

This campaign has followed two lines. One, that so and so the protagonist of the Sikh Homeland political objective of the Sikh people is secretly conspiring with the enemies of the Sikh Community. This was asserted again and again and distorted incidents were marshalled in support. Simultaneously, an oral campaign was launched, in the towns of Punjab and in Delhi, with the following argument which illustrates the type of intrigue to which Ian Stephens has referred. The argument has been that, 'although so and so, the protagonist of the Sikh Homeland, is an educated person and understands the theory and art of politics well, and it is also true that he has the interests of the Sikhs at heart and has suffered for his convictions, but the real issue involved is that by lending him recognition and support we are letting the leadership of the community pass into the hands of the Jats. This would be most improper. Let us, therefore, withdraw all support from him and in future refuse to lend any open support to his views and activities, and let us also malign him to elbow him out of public affairs of the Sikhs'.

It would not be easy for outsiders to understand this phenomenon but it is so that amongst the Sikhs this type of argument and this type of intrigue prevails and is, as a rule, successful.

- (2) There is a Sikh Weekly run from Delhi by a young man, whose educational qualifications do not go beyond pre-Universiy stage. He is, on paper, an extreme protagonist of a State in the north of India in which the decision-making powers rest in the hands of the Sikhs, though the practical role he has played in relation to Sikh politics on recent critical occasions, may qualify him for being tied to stake before a firing squad of some Sikh revolutionary regime. He specializes in foul language and skill in mobsterism and is publicly proud of these attainments. Recently, with the object of elbowing out a sensitive Jat protagonist of the Sikh Homeland, this young newspaper thug started tarnishing his image in the following manner: He argued editorially and otherwise in his paper that 'this Jat was most unreliable and

treacherous to the cause of Sikhs because, on a particular No-confidence motion in the Punjab Assembly in June, 1970, he failed to vote for the Opposition, while the Chief Minister of Punjab is Parkash Singh Badal, and Akali, who is opposed to the demand for Sikh Homeland'. This, he argued, was a conclusive proof of the fact that this Jat intellectual was not only traitor to the cause of the Sikh community but was shown as a most insincere and unreliable character. It is not that this blatantly dishonest argument with undertones of blackmailing has been advanced in the Sikh Press. Such a thing can happen amongst any people and anywhere in the East or West, but in no community of sane and mature people will such an argument be allowed to prevail or go unchallenged because the principle of this argument is as follows: 'If somebody wants to uphold the true political goal of the Sikhs, namely, the demand for Sikh Homeland, then, he must, whether in or out of the Parliament or a Legislative Assembly, always and invariably oppose every proposal or motion which directly or indirectly might be in the interests of those who are not in favour of Sikh Homeland'. Now, this is the argument of a lunatic or somebody worse than a lunatic, yet amongst the Sikhs it will almost certainly go unchallenged and might even gather a large number of adherents. Those who see through the vicious character of such tactics are mostly disinclined to join issue with the intriguers and irresponsible thugs, and in any case they remain ineffective.

- (3) There is a Weekly Sikh paper, published from Bombay in which, apparently under the instigation of its non-Jat editor, a free-lance political worker who has nicknamed himself as, "Nidharak" or 'the Unscrupulous', wrote out a two-column tirade recently, arguing that, 'the so and so Jat protagonist of the Sikh Homeland demand had dishonestly betrayed the Sikhs and the evidence of this betrayal is that in February, 1971, on such and such a date, Sant Fateh Singh opposed the Homeland demand and yet this Jat failed to make a counter-statement in the Press.'

This thesis requires a lengthy dissertation to establish it clearly, but such is the malady that afflicts the political consciousness

and understanding of the Sikhs that although they are a historical people, having a distinct religion and culture, and having all the characteristics of a political nation except the political autonomy which they have lost and have not been able to regain, they are almost on the verge of political extinction, according to many observers.

The Remedy

Those, amongst the Sikhs, who would understand the true nature of the tragedy and who would also appreciate that in order to be viable in the modern world the Sikhs must fulfil two conditions, *firstly*, they must interpret their world religion in an idiom which is understandable to the modern educated man and *secondly*, they must define, proclaim and try to achieve a political autonomy which can guarantee the preservation and development of their political personality, must put their heads together to cure the community of the two ills that have eaten into the vitals of the Sikh people for the past many years. These two ills have been stated above as (i) the supremacy of the unscrupulous, the incompetent, and the thug, in Sikh public affairs, and (ii) absence of declaration and even open disavowal of their true political goal by their spokesmen.

Either, the Sikhs must cure themselves of these two ills or they must accept the fates that have now almost overtaken them, namely, their passing out of the mainstream of history and their extinction as a living and vital force in the affairs of the world community.

If the Sikhs would not make all-out efforts to rid themselves of the cancerous maladies that afflict them, even the Guru-on-High will not care to extend His helping hand to save them from certain disaster.

Call to Sikh Young Men

Young men of the Khalsa Brotherhood! These then are the tasks that claim your immediate attention firstly to meet the challenge that the incompetent, unscrupulous persons in Sikh public life have thrown before the Khalsa. This challenge must be met on all levels, wherever these anti-Sikh forces raise their ugly heads, in private conversation and public discussion, in Press or on platform, in direct speech or through insinuation. All intrigues aimed at holding the genuine Sikh voice to blackmail and subjecting

it to devaluation and distortion must be countered with promptitude and vigour of which youth alone is capable. As Guru Gobind Singh advised, where you find that these thugs, are not inclined to listen to the language of reason and persuasion, you must not hesitate to speak in the language that they more readily understand. Such is the exhortation which the Rider of the Blue Horse has made to the Khalsa.

Secondly, the burden has now fallen on the shoulders of the Sikh youth to replenish the flame of true political aspirations of the Sikhs in India and to carry forth the torch of demand for Sikh Homeland as defined in the resolution of the Shiromani Akali Dal at Ludhiana in November 1966. Where the older generation has faltered and collapsed the younger generation must rise up and carry forward.

Lastly, the intellectuals amongst you must strive and strain to remove and clear up vast clouds of misunderstanding that distort the attitude of non-Sikh Indian fellow-citizens towards the political yearnings of the Sikhs. This removal of misunderstanding must not be achieved through false denials and untruthful disavowals in the fashion of some of our present day leaders, through unconvincing and deceitful utterances disclaiming my desire for achieving Sikh political objectives, by calling yourselves, 'Punjabis' instead of 'Sikhs' and by dishonestly eschewing public mention of Sikh political concepts of 'Panthal' and 'raj karega Khalsa'.

A firmer and truer understanding must be achieved between the Sikhs and their fellow citizens in India by patiently convincing the latter that the former aim at nothing more than salvaging their own politico-historical identity within the constitutional framework of an integrated India and a united nation and that sole desire of the Sikhs is to nourish and develop their own distinct spiritual personality so as to serve India and to become a significant limb of the world community. Fissiparousness and secession, divisiveness and discord is repugnant to the teachings of Gurus and is alien to Sikh genius.

These are the formidable, yet enchanting tasks that beckon today the Sikh youth towards an organized life of dedication and service.

Appendix-5

Causes of Hindu-Sikh Tension

Hindu-Sikh Tension in the Punjab

— DR. GANDA SINGH

FOR some time past, there has been a good deal of misunderstanding about the origin of the Hindu-Sikh tension in the Punjab. It has become a fashion with some of our people to ascribe to the British or to the political policy of the British Government in India even things with which they had not the remotest connection. One such thing is the beginning of the Hindu-Sikh tension in the Punjab. The Hindu-Sikh tension, as we know, was a thing unknown during the Sikh rule up to the middle of last century. And there were very happy relations between the two communities during the great uprising of 1857 and the following two decades. There could have been no better opportunity for the Britishers than the Mutiny days to exploit the Sikh sentiment against the Hindu Dogras and Poorbias who were mainly responsible, both directly and indirectly, by secret alliances and open betrayals, for the downfall of the Sikh Kingdom. Another opportunity offered itself to the British in the closing year of the eighteen-sixties when a schismatic sect of the Sikhs, the Kookas, in their overflowing zeal and fanatical frenzy, pulled down a number of Hindu tombs and went about shouting: *Marhi masani dhai-ke kar dio madana*, meaning ‘pull down the mausoleums and crematories and level them with the earth’. But nobody took these activities of the Kookas very seriously, and they provided no pretext for anyone to create hostilities between the Hindus and the Sikhs. It is, therefore, not correct to say that “the unfilial sentiments of the Sikhs towards Hinduism were the creation of the British who, true to their policy of ‘divide and rule’, tried to create separatism” — Suraj Bhan, the *Tribune*, Ambala, September 25, 1957.

Historically speaking, the tension had its origin in the unhappy language used for Guru Nanak and his followers by Shri Swami

Dayananda, the founder of the Arya Samaj, in his book *Satyarth Prakash*, published in 1875, the year in which, on April 10, the first Arya Samaj was established in Bombay.

(*I shall not quote extensively from the first edition to avoid unpleasantness*).

The word used for the Sikh Guru, therein, is *dhurta*, which according to Bate's *Dictionary of the Hindi Language* means "rogue, cheat, fraudulent, crafty, cunning, knavish, sly, dishonest, mischievous". The hymns of the *Guru Granth Sahib*, the Sikh scripture, he called *mithya* (falsehood) and Sikhism, a *jal* (a snare) to rob and cheat simple folk of their wealth and property (*dhan adik harne ke waste*).

Two years later, Swami Dayananda came to the Punjab and established the Arya Samaj at Lahore. In Punjab, he always praised the work of the Sikh Gurus. This attracted a number of Sikhs to the Arya Samaj. One of them, Bhai Jawahir Singh, later became the Secretary of the Lahore Arya Samaj and also of the D.A.V. College Managing Committee.

While Swami Dayananda was staying at Kanpur, on his return from the Punjab, Sardar Bhagat Singh, Sub-Engineer of Ajmer Division, wrote to him in protest against his objectionable remarks in the *Satyarth Prakash* against the Sikhs and Sikhism. Swamiji wrote back saying that his opinion had undergone a change during his visit to the Punjab and that the remarks in question would be deleted from the next edition of the book. But nothing came to be done. It was, perhaps, due to the untimely death of Swamiji on October, 10, 1883. The second edition of *Satyarth Prakash* was, perhaps, then still in the press.

With the passage of time, with the publication of the second edition of *Satyarth Prakash* and the admission of some over-zealous youngmen into the Arya Samaj, the attitude of some of the leading Arya Samajists became increasingly hostile towards Sikhs and Sikhism. The columns of the *Arya Samachar*, Meerut, and the *Arya Patrika*, Lahore, of those days bear witness to this.

The second edition of the *Satyarth Prakash* turned out to be more disappointing and hostile. In it, the attack on the Sikh Gurus, the Sikh scripture and the Sikh people, in general, was more direct, more biting and more painful. Guru Nanak was given out as illiterate, self-conceited and a hypocrite. The Sikh scripture was insulted, and the tenets and symbols of Sikhism were ridiculed. And the Sikhs, in general, were dubbed as arrogant and slaves to lust.

This naturally disillusioned such of the Sikhs as were members of the Arya Samaj or were its active supporters. They felt very much hurt and dejected. What added to the tension was the fanatical attitude of some members of the Arya Samaj who went out of their way to publicize the wrongful remarks of the *Satyarth Prakash* and unnecessarily wounded the susceptibilities of the Sikhs.

There were, however, some well-meaning members of the Arya Samaj who sincerely felt that a wrong had come to be done to the Sikhs by the objectionable remarks of Swami Dayananda. They wrote apologetic and appeasing letters and notes in the *Vidya Prakashak* and other journals and newspapers. To quote only one, Lala Amolak Ram, Munsif of Gujar Khan writing to the Editor, *Akhbar-i-Aam*, Lahore on September 30, 1887, said:

Mere piare aur mukarram Editor Akhbar-i-Aam,

Kisi gumnam sahib ne ap-ke Akhbar ke zariye hamare muazziz aur fakhr-i-qaum Sikh bhaiyan ko Arya dharam ke barkhilaf mushtaal karne ke waste Swami Dayananda Saraswati ke Satyarth Prakash se ek intikhab shaya kiya hai. Main sacche dil se umid karta hun kih yih us ki koshish-i-hasidana bilkul raigan jaegi.

Arya Samaj, Dayananda Saraswati ko sirf insan samajhata hai. Har ek insan se ghalti honi mumkin hai. Swami Dayananda Saraswatiji ghalaban zabani Panjabi aur halat-i-Panjab se Satyarth Prakash likhte waqt pure wakif na the. Main yaqin karta hun kih bashart mauqa milne ke woh is rai ko zarur tarmim karte, magar ofssos hai kih unko mauqa na mila. Lekin sirf unka yih rai zahir karna Arya Samaj ko paband nahin karta, Mujhe umid hai kih taqriban har ek Arya is rai ki ghalti ka qayal hai. Main khud Arya hone ka fakhar karta hun aur main is rai ko ghalat samajhata hun. Mujhe pura yaqin hai kih mere Singh bhai sirf Swami Dayanand Saraswati ki ek galti ke bais us ke baqi nihayat umda kam ke hargiz mukhalif nahin hon jaenge.

Translated into English, it would read as: My dear and respect Editor of the *Akhbar-i-Aam*,

"Some anonymous person has published in your paper an extract from Swami Dayananda Saraswati's *Satyarth Prakash* with the object of instigating our respected and glorious

Sikh brethren against the Arya *dharma*. I sincerely hope this jealous effort of his will not succeed.

The Arya Samaj consider Swami Dayananda Saraswati a human being. Every human being is liable to err. At the time of writing the *Satyarth Prakash*, Swamiji was probably not fully conversant with the Punjab and the Punjabi language....Alas! he did not get a chance, otherwise, I am sure, he would have amended this opinion. But this expression of his opinion does not bind the Arya Samaj. I hope almost every Arya is convinced of his error. I am proud of being an Arya, myself, and I hold this opinion (of Swami Dayananda) to be wrong. I am sure that for this one mistake of Swami Dayananda Saraswati, my Sikh brethren will not all turn against the rest of his very good work."

Copies of this letter were sent to some other newspapers as well. The Sikhs were to some extent soothed by the expression of regret and goodwill by those who had reasons to be grateful to the Sikhs for the help and co-operation which they had extended to Swami Dayananda and his movement in the early days. But this did not continue for long. Instead of improving the situation, it was worsened by the fire-breathing speeches of some of the leaders of the Arya Samaj at its eleventh annual session held at Lahore on Saturday and Sunday, the 24th and 25th of November, 1888.

Pandit Guru Datt, the leader of the anit-modernist section of the Arya Samaj, in his speech on the morning of Sunday, the 25th November, not only repeated the anti-Sikh remarks of the *Satyarth Prakash*, but also entered into odious comparisons and launched an attack on Guru Gobind Singh. The discussions of Lala Murlidhar and Swami Swatmananda on the subject added fuel to the smouldering fire which soon burst out into flames.

Pandit Guru Datt's speech was followed the same evening by that of Pandit Lekh Ram who spoke with still greater force and hostility against the Sikhs. Not only this, at one stage in the course of speech, Pandit Lekh Ram physically insulted the holy book of the Sikhs, the *Guru Granth Sahib*, which had been unceremoniously placed there on the table before him. This was more than what the Sikhs present in the meeting could tolerate.

Thus publicity insulted and ridiculed, the Sikhs were left with the only alternative of finally breaking with the Arya Samaj.

There was then a large number of Hindus as well who felt

disgusted with this attitude of the Arya Samaj. A joint protest meeting was held on the next Sunday, the 2nd of December, 1888, in the Baoli Sahib, Lahore, under the presidentship of Lala Nand Gopal. Lala Ladli Prasad was the principal speaker. The other speakers were Bhai Jawahir Singh, Bhai Dit Singh and Dr. Narayan Singh. According to the report of the meeting published in the *Civil and Military Gazette*, Lahore, of December 8, 1888, there was a great resentment in the city of Lahore at the ugly and unpleasant situation created by the leaders of the Arya Samaj in their eleventh annual session held in the last week of November.

This is, in brief, the factual account of how the Hindu (Arya Samaj) - Sikh tension began in the seventies and eighties of the last century, soon after the birth of the Arya Samaj.

In truth, it is a misnomer to call it Hindu-Sikh tension. It is, in fact, only an Arya Samaj-Sikh tension. The new name has come to be given to it very recently. A reference to the columns of the *Arya Gazette* and the *Satdharam Pracharak* will show that the Arya Samajists for a long time carried on a campaign against the word *Hindu* and refused to associate themselves with it. But this is a separate topic of study.

For a more detailed study, the inquisitive reader is referred to: *Satyarth Prakash Hindi*, first edition of 1875 and subsequent revised and enlarged editions and their translations into Urdu, English and Panjabi: the *Civil and Military Gazette*, Lahore, November and December, 1888: the *Akhbar-i-Aam*, Lahore, the *Aftab-i-Panjab*, Lahore, the *Koh-i-Noor*, Lahore, for September to December, 1888. These and other newspapers and journals, published at Lahore during the last two decades of the nineteenth century, contain very valuable material on this subject.

Appendix-6

Important Resolutions

Declaration regarding the National Flag

(Dated 28-2-1931)

"Shromani Akali Dal once again wants to make it clear that the All India National Congress has not, till now, included the Sikh colour in the National Flag in pursuance to its views. There is great resentment amongst the Sikhs on this account. However, since the struggle for the freedom of the country is going on, the Khalsa Panth does not wish to lag behind any other community in the service of the country. Therefore, it is hereby directed that wherever the Sikhs do national service, they should do so under the Sikh flag and not under the flag of the Congress alone.

On the use of the Steel Helmet by the Sikh soldiers

(Dated 3-4-1940)

The steel helmet proposed to be used by the Indian soldiers looks like a British cap and it violates the Sikh tenets and sentiments. The S.G.P.C., therefore, declares its opposition to its use.

Respect the Turban

(26-10-1941)

This meeting of the S.G.P.C. draws the attention of the police authorities towards the fact that removing the turban of a Sikh, as is done in the police locks-up, is an insult to Sikhism. Therefore, this house demands that this practice be immediately stopped.

Observance of Sikh Tenets by Policemen
(26-10-1941)

This general meeting of the S.G.P.C. unanimously demands from the Punjab Government that the Sikh policemen should be made to observe the Sikh Rules of Conduct in the same way as the Sikhs serving in the armed forces are made to observe. This will make them good policemen and there will be no criticism about them from the Sikh viewpoint.

For establishing a Sikh State
(9-3-1946)

Keeping in view the present political situation, the bent of mind of the various communities, its consequences and its dangerous impact on the Sikhs, the revolutionary changes that are going to take place in the country and the imperative need for preserving the Sikh identity, the S.G.P.C. hereby proclaims :

- (a) That the Sikhs are a separate nation.
- (b) That according to the considered opinion of this house in order to preserve the shrines, culture, customs, self-respect and freedom of the Sikhs and for their future progress, the creation of a Sikh State is necessary. This house, therefore, appeals to the Sikh people to make their best efforts to achieve this goal.

**Resolution against Police Entry in the
Golden Temple**
(16-10-1955)

The general meeting of the S.G.P.C. today seriously considered the police action in the Golden Temple on 4-7-1955 and its consequences. This house is of the definite opinion that the aforesaid police action was unnecessary and highly objectionable and was carried out with a view to obstructing the functioning of the Golden Temple and the S.G.P.C. The government, by this illegal and improper interference, has violated the sanctity of the Golden Temple and the Manji Sahib and has thereby caused a serious and unbearable hurt to the Sikh sentiments.

This house, therefore, strongly protests against the aforesaid

illegal, uncalled-for and sacriligeous act and calls upon the Government to set up an impartial commission to enquire into the unfortunate incident and to give adequate punishment to those who were responsible for it.

Against Smoking

(9-3-1964)

It is in the knowledge of this house that the famous doctors of the world have declared smoking to be deadly poisonous for human beings. But it is a matter of deep regret that the Government of free India has shown criminal neglect towards strongly enforcing prohibition against smoking.

This meeting, therefore, draws the attention of the Government of Indian in general and the Punjab Government in particular to take strong steps to strictly prohibit the evil habit of smoking.

To Establish Punjabi Suba

(28-3-1965)

This general meeting of the S.G.P.C. regrets that while the Government of the day has reorganised the other states in the country on linguistic basis, the Punjabi language and the Punjabi-speaking people are being discriminated against due to the refusal of the Government to form a Punjabi language State. This house, therefore, strongly demands from the Government to remove this discrimination by forming a Punjabi State on linguistic basis immediately.

Prefix 'Sardar' to Sikh Names

(28-3-1965)

This general House of the S.G.P.C. looks with contempt at the many-sided attempts being made, on account of communal thinking and mentality, to damage the national prestige of the Sikhs. To prefix 'Shri' instead of 'Sardar' to a Sikh's name is a part of this campaign. This house, therefore, calls upon the Government, non-Sikh communities and journalists of this country to pre-fix 'Sardar' to the name of every Sikh.

Punjabi As Court Language
(28-3-1965)

This General House of the S.G.P.C. regrets that instead of giving its due place to the Punjabi language, it is being pushed back and is being given a step-motherly treatment. The decision to carry out all work upto the District level in Punjabi has not been sincerely implemented and even where it was implemented earlier it is being reversed, and in the District offices and courts, work is being done in languages other than Punjabi. This house, therefore, calls upon the Punjab Government as well as the Government of India to implement the decision to use Punjabi in Gurmukhi script in administrative work and to remove injustice that is being done to Punjabi language.

Second Language Status for Punjabi
(27-10-1968)

This General House of the S.G.P.C. feels that after the partition of the country a large number of Punjabis, particularly Sikhs, have settled in Haryana, Delhi, Chandigarh, Himachal Pradesh, Jammu & Kashmir, District Ganga Nagar of Rajasthan and some areas of Uttar Pradesh. These Punjabis have contributed a lot towards the progress of these states, but it is a matter of regret that Governments of these states have not taken any solid steps towards giving recognition to Punjabi language, literature and culture, due to which the children of these Punjabi families are facing great difficulties in the field of education and they are going away from their cultural heritage. This house, therefore, appeals to these state governments to give recognition to Punjabi in Gurmukhi script as Second Language, so that the children of these Punjabi migrants can get education in schools and colleges in their mother tongue.

Enforcement of Sikh Tenets in the Army
(28-3-1965)

This General House of the S.G.P.C. feels proud of brave Sikh soldiers who have earned laurels for Sikhism by making sacrifices in defence of the country and for maintaining its dignity,

and calls upon them to strictly observe the Sikh Code of Conduct and Sikh tenets, so that they may be able to serve the country and the community with high spirits.

This house warns the Government of India that the efficiency of a Sikh soldier is dependent upon his old traditions, Sikh way of life and code of conduct and it is essential to keep them alive in order to keep up the spirit of service and patriotism among the Sikh soldiers. This house, therefore, demands from the Government of India that just as during the pre-independence times as well as during the reign of the secular ruler of Punjab, Maharaja Ranjit Singh, it was compulsory for every Sikh soldier to keep unshorn hair and beard and to obey the Sikh Code of Conduct and follow the Sikh way of life, similarly, the Sikh Code of Conduct should be enforced on the Sikh soldiers and officers serving in the armed forces, and those who have been slack in this regard should be asked to strictly observe the code.

Restore Bhakra Dam, Chandigarh And Punjabi-Speaking Areas To Punjab

(23-3-1969)

This general house of the S.G.P.C. demands from the Central Government that Chandigarh, Bhakra Dam, Beas Dam and Punabi-speaking areas should be restored to Punjab without any delay. These areas and dams rightly belong to Punjab and their exclusion from Punjab is intolerable.

Stop Excesses Against Sikhs Outside Punjab

(23-3-1969)

This General House of the S.G.P.C. expresses its deep concern at the excesses being committed against Sikhs in various ways in Delhi, Jammu & Kashmir, Rajasthan, Uttar Pradesh and Maharashtra etc. and demands from the Central and State Governments to stop these excesses and safeguard the life and property of the Sikhs. These excesses can have adverse effects on the country and make its future bleak.

Exempt Gurdwara Lands from Ceilings
(23-3-1969)

This General House of the S.G.P.C. demands from the Central and State Governments that the lands in the name of religious places throughout the country should be exempted from the application of the security of land tenures legislations, since the income from these lands is utilised for public welfare.

Pass All India Gurdwara Act
(28-11-1973)

This General House of the S.G.P.C. reminds the Central Government that under 'Nehru-Tara Singh Pact', it is committed to enact an All India Sikh Gurdwara Act. Therefore, it should get an All-India Sikh Gurdwara Act passed by the Parliament without any further delay and thus fulfil its promise. Failure of the Central Government to pass such an Act amounts to perpetrating grave injustice upon the Sikhs and warns the Government that to tolerate injustice for a long time is against the Sikh traditions.

Stop State Excesses Against Sikhs
(10-10-1971)

This General House of the S.G.P.C. records with deep regret that the Congress (I) Government of this country, after elections to the Lok Sabha, is acting with a spirit of revenge and treating the Sikhs as second-class citizens, as is evident from the following events :

- (i) The Punjab Government, which represented the aspirations and wishes of the Punjabis, has been removed from office under a well-planned conspiracy.
- (ii) A Commission should have been set up to investigate charges of corruption and misdeeds, covering the entire period from 1947 till to date, but the Government is refusing to bring the ex-Congress and Communist ministers within the purview of enquiry, in spite of evidence against them.
- (iii) Sikh officers in Government service are being ill-treated through various means.

- (iv) The Central Government had illegally brought under its control Sikh Gurdwaras in Delhi and in spite of the fact that seven thousand Sikhs courted arrest and three Sikhs attained martyrdom in protest, the Government has not given up its control.
- (v) Sikh Gurdwaras outside Punjab, situated in Haryana, Uttar Pradesh and Rajasthan etc., are being forcibly occupied and the Sikhs are being made targets of oppression.
- (vi) Smt. Indira Gandhi, Prime Minister of India, in her speech at Ludhiana, insulted the Sikhs by accusing them of colluding with the British during the struggle for freedom. In fact, the contribution of the Sikhs to the freedom movement is much more than their population.
- (vii) The Government of India has started a conspiracy to finish the Punjabi Suba.

The few examples given above clearly show that the Congress (I) Government is not only following the path of destroying the Sikhs but also pursuing the unholy object of spoiling the cordiality of Hindu-Sikh relations and dividing them.

This General House of the S.G.P.C. feels that this attitude of the Central Government is harmful and dangerous to Sikh religion, Sikh culture, Sikh dignity and honour, and Sikh unity, as also to Punjabi language. Therefore, this house cautions the Sikhs and appeals to them to fight unitedly against this repression and injustice.

This General House of the S.G.P.C. also appeals to all the non-Congress parties of the country and leaders of various religions to help in saving the Sikhs from these evil communal policies of the Congress.

Shift Wine and Cigarette Shops from Amritsar (31-3-1973)

This General House of the S.G.P.C. strongly urges upon Punjab Government that like Kurukshetra etc. where, keeping in view the holiness of those towns, wine shops have been allowed to be opened only outside the city, the wine and cigarette shops should be shifted outside the limits of Amritsar city, keeping in view the

fact that this city, which was founded by Sri Guru Ram Das ji, is the centre of Sikhism and a great religious and holy place.

Protest Against Limit on Recruitment

(30-3-1974)

This General House of the S.G.P.C. expresses its painful regret against the statement of Sh. Jagjivan Ram, Defence Minister of India, in the Lok Sabha, whereby he announced limiting the recruitment of martial races of northern India including Sikhs, according to their population. This house regards it as its duty to make it clear that this new policy of the Central Government will not only endanger the security of the country but will also amount to injustice and discrimination against these martial communities as it ignores their fighting qualities. While merit is the consideration for recruitment to civil services and for other jobs, ignoring the qualities of fighting in recruitment to the army cannot be considered to be justified and it is not in the interest of the country. Security of the country demands that the announcement regarding placing limit on recruitment from martial races of north-western India should be withdrawn immediately so that justice is done to the martial communities of Punjab and Himachal Pradesh.

Appendix-7

Communist Party Memorandum

Extracts from the Communist Party Memorandum
to the Cabinet Sub-Committee and the Parlia-
mentary Consultative Committee

Before going into the specific question of the Punjabi Suba we would like to make one submission. A large number of states have been reorganised since independence. Now virtually all of them are linguistic states barring Punjab which is a bilingual state. States like Kerala, Andhra, Maharashtra, Mysore, Gujarat, Madhya Pradesh, Orissa etc. involved big changes, merger and division of erstwhile princely states, breaking up of older presidencies and provinces and bringing together areas from different administrative units into present states, which are now linguistic states. In these states the old agitations and controversies on the issue of state language and state formation etc. have generally died down. Unity has been strengthened and stability increased.

This makes it amply clear that no sanctity has been and can be attached to the state and provincial boundaries inherited from the British. On the contrary, one of the most important tasks facing independent India has been that of refashioning the boundaries and set-up of the states constituting the Indian Union. No one can gainsay the fact that the process has gone very far, has involved radical changes, and the general trend has been irresistibly one of formation of linguistic states.

The experience of what happened after the recommendations of the States Reorganisation Commission is highly significant. While discussing the factors to be considered for this reorganisation the Commission thought the language and culture of an area to be of great importance but considered financial, economic and administrative considerations to be equally important. In practice it meant that in

certain cases the principle of linguistic and cultural homogeneity was set aside on the ground that these other considerations necessitated it.

Now it is highly significant that where the recommendations of the Commission led to the establishment of a linguistic states as e.g. Kerala, Karnatak (Mysore), etc. the recommendations were widely accepted, they set at rest most controversies and conflicts and proved stable. But where this principle was sacrificed at the altar of the so-called 'other considerations' the recommendations did not lead to the solution of any problem at all. Three examples may be mentioned. Hyderabad had later to be merged with the then Andhra state to form Vishal Andhra. The basis was linguistic.

Now let us go into the objections being raised against the linguistic reorganisation of the Punjab.

(a) It is argued that "the entire Punjab is bilingual and therefore cannot be bifurcated on a linguistic basis". In support of such a contention the Census figures of 1961 for those who have given Punjabi or Hindi as their mother-tongue are cited.

It is amazing how some people, including some prominent Congressmen in the state, can deny this undeniable reality that the people inhabiting all the districts of Jullundur and Patiala divisions are Punjabi speaking – a reality recognised in the Regional Formula itself. This reality was also recognised in the pre-independence Census Reports and by all linguistic experts. It is well known that on the eve of the 1951 Census, with a view to counter the demand for a Punjabi Suba, a campaign was organised by some leading Congressmen and Hindu communal leaders asking the Hindus and Harijans not to give Punjabi as their mother-tongue. The campaign succeeded in misleading large sections. It created a lot of disruption and bitterness also. Its legacy was there at the time of the 1961 Census also when the campaign was repeated. As a result millions of Hindus, though Punjabi-speaking, declared Hindi as their mother-tongue. Now these statistics are being cited to prove that nearly half the population in the Punjabi Region is Hindi speaking; hence the whole of Punjab is bilingual. Some people are also putting forth the argument that in the Gurdaspur and Hoshiarpur districts the majority are not Punjabi-speaking so they cannot form part of the Punjabi state in any case.

These people do not realise that by thus misrepresenting facts and dividing Punjabis and their language on a communal basis they are creating a gulf between the Punjabi Hindus and

Sikhs and thus only helping to strengthen Master Tara Singh's plea that the Sikhs are a separate entity and should be given "self-determined political status".

(b) It is argued that "a second partition of Punjab would be a disaster". Those who advance this argument deliberately mix up two entirely different things viz. *partition on the basis of religion and reorganisation on the basis of language*. They thus demagogically want to exploit the sentiment against the former (naturally strong in our state which has undergone incalculable suffering because of the partition) and turn it into opposition against the second. If reorganisation or division of an existing state, the boundaries of which were determined by the British in accordance with their interests or conveniences, is to be termed partition then let these people ponder over the number of states which have already been so "partitioned". From the Bengal presidency Bihar and Orissa were separated. Madras presidency, too, was "partitioned" along with the Hyderabad state etc. and the present states of Kerala, Madras, Andhra and Mysore came into being. Similarly, Bombay was "partitioned".

With all these examples before us why the boundaries of Punjab which were extended by the British in 1858 (and later modified in 1912) to include large Hindustani-speaking areas never traditionally part of Punjab, should be held so sacred and sacrosanct passes all imagination. It is well known that this was the punishment given to Haryana for its active participation in the First War of Independence (1857). Some people want to perpetuate this and then pose as great patriots and wonderful fighters against "partition".

It may be recalled that the demand for separating the Haryana Region from the province of Punjab and constituting it into a separate Hindustani-speaking state of course along with Delhi and some areas of U.P. etc. was originally raised by such renowned leaders as the late Shri Asaf Ali and Desh Bandhu Gupta in 1926. It was reiterated and supported by the Delhi State Congress and Government in their Memorandum to the States Reorganisation Commission in 1953. Even now the Delhi P.C.C. has again raised the demand for greater Delhi which necessitates separation of the Haryana areas from the present state of Punjab.

So what is termed "partition" is in reality a reorganisation that would undo the injustice perpetrated on the people of Haryana by the foreign rulers and that would thus satisfy the legitimate aspirations of the people.

(c) It is argued that the demand for Punjabi Suba is communal because communalists are making it and conceding it will strengthen communal forces.

The argument is doubly wrong and misleading. Firstly the demand for a Punjabi state is being raised not by the Akalis alone but a number of other parties including the Communist Party, which has consistently pressed for it during the last twelve years and which has popularised and justified it on secular and democratic basis. Moreover, so far as Haryana is concerned as the recent conventions have again made explicit all political elements except the Jana Sangh support the demand.

Secondly, not conceding the demand will strengthen the disruptive communal forces while conceding it will help to liberate the people from communal considerations and to build their unity on the basis of community of language and culture. Concede what is just and democratic and that will help the people to reject and isolate those who seek to exploit justified grievances for their disruptive aims.

The fate of Master Tara Singh is already a pointer.

(d) It is argued that "the Akalis go on raising one demand after the other. Where is the guarantee that after this one of Punjabi Suba is satisfied they will not demand a Sikh state as Master Tara Singh is already doing".

The only guarantee and a sure one at that and one which is part of our recent live experience is the patriotism of the Punjabi people, including the Sikhs, who will not and do not countenance such an anti-national and separatist demand. Even the Akalis led by Sant Fateh Singh have openly repudiated the separatist demand as that of a "Sikh State". As regards the Sikh masses they have cemented Indian unity with their blood.

As the example of Nagaland has shown, the failure to concede the just demands strengthens those who raise disruptive separatist slogans. The only way to knock the ground from under the feet of such separatists is to satisfy the just demand.

(e) It is argued that "a smaller state on the border will endanger defence". But it is well known that defence is a central responsibility and the size of any constituent state of our Union Republic has no bearing on national defence. Assam, Tripura, Nagaland are all on the border, so is Jammu and Kashmir, states which are smaller than the proposed Punjabi state – if they do not endanger defence how will this one do so?

It must also be seen that the role that a state can play in strengthening national defence is related not to its size, but to such other facts as the unity and morale of its people, their patriotism and fighting traditions, their understanding of the justness of the cause and their readiness to sacrifice for it. A sense of grievance and injustice will undermine these factors and thus weaken defence.

(f) It is then argued that for economic development and administrative efficiency a bigger state is needed. Even if this is accepted for the sake of argument, then Indian Union is a very big state and can meet the above requirements. It is not necessary that it must also apply to each and every constituent state of the Union. Anyhow this consideration cannot decide the issue of such a state.

(g) It is argued that "the majority of the people are opposed to the demand". In this calculation it is presumed that all the Hindus are opposed to the demand. That is not at all so. Hindus in Haryana are not opposed but generally support the demand for Haryana Prant viz. linguistic reorganisation. In the Punjabi area itself there are Hindu masses following such secular parties as the Communist Party, the P.S.P., the S.S.P. and the Republican Party. All of them support linguistic states. This means that the majority of people support the demand. Once the Congress takes a principled stand on the issue the overwhelming majority of people will support a principled solution of the problem and oppose the arch-communalists whether they are for the *status quo* at all costs or raise separatist demands.

Appendix- 8

Sant Fateh Singh's Speech

AKALIS

1. Extracts (translation) of the speech by Sant Fateh Singh before the Akal Takhat, Amritsar, on August 10, 1965, announcing his resolve to go on a fast of 15 days and thereafter to immolate himself in fire.

"Khalsaji! I have made every possible peaceful effort in my personal meeting with Prime Minister of India to prevail upon first the late Prime Minister Nehru in 1961 and now on 7-8 August, 1965 Prime Minister Shri Lal Bahadur Shastri and Shri Gulzari Lal Nanda, the Home Minister, to form a Punjabi speaking state purely on linguistic basis within the Republic of India like many other linguistic states in the Union. I have brought home to all of them the sound logic in support of such a constitutional demand in consonance with an accepted principle i.e. reorganisation and formation of linguistic states. I have strained every nerve to dispel any possible mistrust about the centuries-old perpetual steadfast loyalty of Sikhs to their Motherland. But I found:

1. That none of them had any argument to deny this logical demand.
2. That they tried in vain to sidetrack the issue.
3. That late Shri Nehru when short of argument even tried to import into conversations communal considerations on behalf of a section of communal anti-Punjabi Hindus of the Punjabi region.
4. That he went to the extent of holding out even a veiled threat of consequent persecution of Sikhs by Hindus outside Punjab if the former insisted on Punjabi Suba.
5. That on occasions he introduced even very irrelevant facts into the conversation to hoodwink Nehru, our genuine demand.

All this is amply borne out by the records of my talks with Shri Nehru, Shri Shastri, Shri Gulzari Lal Nanda, I have now no hesitation to state that during my recent meeting with Shastriji had the moral courage to say, "Shastriji, indeed, we have no argument to refuse or refute Santji's stand. Let us only request him to drop the issue, appealing to him in the country's name."

In such a predicament when arbiters of secular free India's destiny have, in the last analysis point blank refused to concede a long standing, genuine, logically supported, constitutional demand of a patriotic people of unquestioned loyalty to their country, there is no other alternative left for me except to take the extreme step of self-sacrifice in witness of holding aloft the sanctity of free India's secular constitution, in the making of which our holiest of the Gurus and hundreds of thousands of our saint-soldier martyr forefathers cheerfully laid down their precious lives during the last over four centuries.

I am morally committed to the holy Guru Panth and to the rest of my Punjabi brethren to take this extreme step. Souls of innocent Kaka Inderjit Singh, dear Chanchal Singh, Nazar Singh, Jaswant Singh and scores of other martyrs to this sacred cause are calling me. I see before my eyes thousands of votaries of Punjabi Suba cheerfully courting arrests, being put behind the bars, being mercilessly beaten down to a pulp in the streets of free India's capital by the ruthless police of our so-called people's government, paying lakhs worth of penalties and undergoing confiscation of properties and thereby being rendered destitute.

In view of the continued unfounded mistrust and discrimination against Sikhs, which is quite evident in not conceding of Punjabi-speaking state simply because thereby the Sikhs want to gain some political effectiveness, I feel called upon to embark upon a cause of extreme personal sacrifice.

As an earnest, genuine evidence of my last bid for an honesty of purpose and in order not to embarrass the Government and taking the cognisance of Prime Minister Shastri's last appeal:

- (a) I shall wait for another 25 days up to 10th September next for the Government to reconsider its stand.
- (b) Thereafter I shall undertake 15 days fast.
- (c) In case I survive the 15 days fast I shall end my life by self-immolation on 25th September, 1965.
- (d) I have been given to understand that some opponents of

Punjabi Suba, threaten to start a counter-fast. I appeal to them not to embark upon such a venture as that would tantamount to embitter relations of Hindus and Sikhs. If at all some Hindu brethren are bent upon starting one I invite them to come and sit by my side within the Golden Temple precincts.

- (e) I would also like to warn any prospective mediators and arbitrators not to approach me with anything short of Punjabi Suba.

Before I finish and take leave of you, Khalsaji, I wish to reiterate before the Holy Takhat that I have ill-will against none. I have equal affection for my Hindu brethren and others. I re-emphasise that Hindu-Sikh perfect family understanding has been a passion of my life and it must be furthered. I have never been a conscious offender in word and deed even against my so-called opponents in the community. But even if unconsciously I have caused an offence I beg pardon of them one and all. It has been my earnest desire to be of some real service to my country, particularly through securing and rehabilitating my fellow Punjabis' and Sikhs' prestige by creation of the Punjabi-speaking state. But even in my absence it is my cherished desire that above all the interests of Mother India must not be jeopardised by anyone.

*Wahiguru Ji Ka Khalsa,
Wahiguru Ji Ki Fateh.*

Appendix-9

Nirankari Sikhs

'Affairs at Rawalpindi', *The Home and Foreign Record* (July, 1861), pp. 211-12

The Nirakarees are an interesting sect—I never met with any of them anywhere else. This new religion or sect had its origin in Rawalpindi, about forty or fifty years ago. The founder Guru Diyal Dass, died only four or five years ago, after the mission work was commenced here. He taught his followers to give up idolatry and caste, and worship the one living and true God, who is without form, or image, or parts, and hence called *Nirakar*. It was at one time thought that the worshippers of *Nirakar* would be very favourably inclined to embrace Christianity. For a time they were persecuted by Hindus and Mohammedans. In order to form their acquaintance, and make them acquainted with the gospel, I have visited their Dharamsala, that is, religious house or place of worship. It is entered from the street by a fine lofty gateway of brick masonry, above the arch of which there is an inscription in the Gurmukhi language on a tablet set in the wall, and covered with glass. Passing through this gateway into a courtyard, on the other side you see a long, low building, by no means imposing, plastered over with the mixture so commonly used in this country. This house is open in front, showing a long room, the floor of which is covered with coarse cloth. At one end there are several monster books on low wooden stands, some of which lie open, while others are shut, wrapped in embroidered silk covers. In front of what seemed the principal book was a brass lamp burning, and over all a square, coloured cloth suspended from the roof, perhaps to keep particles of dirt from falling on the sacred books, or *Grants*, as they are called. Behind some of the open *Grants* were seated Gurus—religious leaders and teachers—who read for their own benefit, or that of their followers. Some of them had chowries, or fly brushes, made of the long, white hair of the

yak's tail, in their hands, and kept waving them to and fro over the books, to signify reverence, and keep off unholy flies. These books are nothing more nor less than the Grunths of the Sikhs, composed long ago by the Sikh Gurus, Nanuk, Arjun, Govind Singh, &c., founders of the Sikh religion. They are poetical, in the Punjabee language, and Gurmukhi character, and all written by hand. When I went on to the platform in front of the Dharamsala one of the Gurus politely requested me not to come there with my shoes on, and spread a mat to one side, where I could sit, shoes and all, without defiling holy ground. As it was evening, the time for their service, a number of people had assembled, and I had an opportunity, with frequent interruptions, for conversing and preaching until they commenced their worship. Then they ranged themselves all around the room, sitting on the floor, and following the Guru who began to chant their hymns, in which the names of Nirakar and Nanuk occur very frequently. For a while they sang, swinging back and forwards, and bowing every now and then to the Grunth, and kissing the floor fervently. Then they rose, and marched around the room many times, singing and bowing, and often burst out into strong exclamations of 'Blessed be Nirakar!' While the men were thus engaged, several women came one after the other, bearing lighted lamps, from which they poured each a little oil into the large lamp which stood burning before the Grunth, then bowing, kissed the ground, and repeating the name 'Nirakar' went away. This is the only part the women seem to take in the worship.

The Nirakarees pride themselves much on being free from idolatry, and being purer and better than Hindus, Mohammedans, and other Sikhs. But in vain I tried to convince them that it was wrong and idolatrous to bow to the Grunth. They make the excuse that the name of God is in the book, and it is only reverence for this name which causes them to bow thus. On further intercourse and inquiry, I found that they consider themselves to be the true followers of Nanuk and the Grunth, and hence, the true, *orthodox* Sikhs, and not a new sect. When I preached Christ to them, they replied Nanuk will save us, he is our Mediator. From this, it appears that they have not made much progress in reformation, and, indeed, they are not much more inclined to embrace Christianity than others. There are several hundreds of them in this city, perhaps four or five hundred, and a few scattered in some of the neighbouring towns. Perhaps this movement may be considered as another struggle of the human mind towards the truth and a pure religion. And it is likely that it was caused incidentally by the influence of Christian missions, as a

similar tendency to reform has been thus caused in different parts of India. It *may be* that the minds of these people are better prepared for the reception of the gospel, although it does not appear very evident as yet. There does seem to be a slight ray of hope and encouragement at times.

J.H. ORBISON

Denzil Charles Jelf Ibbetson, Report on the Census of the Punjab Taken on the 17th of February 1881, Vol. I (Calcutta, 1883), p. 138.

The *Nirankaris* are the purists of the Sikhs religion, and their founder was Bhai Dayal Singh, who died only twelve years ago. His preaching was directed rather against religious ceremonies than against social and caste institutions, which latter he would leave untouched. But he taught that the Gurus are to be reverenced only as high priests of one single and invisible God, that the Hindu deities are not divine, that pilgrimages and offerings are useless and Brahmans and cows not to be reverenced, and that animal life is to be scrupulously respected and use of flesh as food abandoned. The first day of each month is to be kept holy by attendance at the temple, reading the Granth, lamentation for sin, and giving contributions for religious purposes. His ethical teaching was, like that of most of these sects when they first arise, singularly pure; and he avoided that rock of offence upon which many of them find shipwreck – a tendency to licence in the intercourse between the sexes. The Nirankaris are said to have many curious ceremonies peculiar to themselves, concerning which I have no detailed information.

E.D. MacLagan, The Punjab and its Feudatories, Part I. The Report of the Census, Census of India 1891, Volume XIX, pp. 156-7

The NIRANKARIS – A remarkable outcome of the doctrines of Nanak in modern times is to be found in the sect of the Nirankaris. The word 'Nirankar' or 'Nirakar' means properly, 'The Formless',

and it was a term commonly used by Baba Nanak as an equivalent of the Deity; he was at first known as 'Nanak Nirankari', and it is not impossible that some of the many persons who have returned themselves as Nirankaris mean little more by this than that they are followers of the Formless God after the manner of Baba Nanak. In the specimens also which were issued to show how the schedules should be filled in, there was a case of a Sikh whose sect was Nirankari, and a slavish imitation of the examples had doubtless led to a considerable inflation of the returns of this particular sect. The sect known by this name is, however, in fact one of considerable size, and it is worth noticing as one of the latest developments of Nanak's teaching.

Bhai Dial Das, the founder of this sect, was a Dhaighar Khatri of Peshwar, who settled in Rawalpindi, as a shopkeeper some fifty years ago, and established the sect some five years after. He died about 1870, and was succeeded by his younger brother, Bhai Ratta, the present priest of the sect. The Nirankaris worship God as a spirit only, avoid the worship of idols, Brahmans or the dead, abstain strictly from flesh and wine, and are said to pay strict adherence to the truth of all things. Their only sacred book is the Adi-granth of Baba Nanak, to which they pay very particular reverence, though they also respect the later Granth and the subsequent Gurus of the Sikhs. Their marriages are not performed according to the Hindu Dharamshastras, and the bride and bridegroom instead of circumambulating the sacred fire, walk round the Adi-granth. The ceremony is conducted not by a Brahman but by a granthi and the fiancee or bride sits in public with her face uncovered. Widow marriage is allowed, and some fifty such marriages have taken place among them during the last ten years. Similarly, at funerals, they dispense with the Brahmans, and the Hindu ceremonial generally; instead of weeping and mourning, they sing hymns, and look on the event rather as an occasion of rejoicing.

Besides the usual Sikh places of pilgrimage the Nirankaris look with special reverence on a pool in the Lei stream, near the park, in Rawalpindi, which they call by the name of Amritsar. They burn their dead near that pool, and have an annual meeting there. There is also in Rawalpindi a meeting place (Darbar) and a shrine of the Adi-granth, where are kept the slippers (now covered with velvet) which once adorned the feet of Bhai Dial. The Nirankaris have degenerated sufficiently to revere these relics and prostrate themselves on their foreheads before them. The sect is recruited from all castes.

Appendix-10

S.G.P.C. White Paper On Nirankari Episode

THEY MASSACRE SIKHS

A White Paper

BY

SIKH RELIGIOUS PARLIAMENT
(Shiromani Gurdwara Parbandhak Committee)

1. THEY MASSACRE SIKHS

On the 13th of April, 1978, the sacred day of Baisakhi for Hindus and Sikhs both, the day on which the Tenth Nanak, Guru Gobind Singh, finally shaped and completed the way of life for the Sikhs, in 1699, by ordaining a political nation, the apotheosis of Sikhism, the Khalsa, assigning to the Sikh people the task of inserting themselves into history to bring about social changes and cultural trends for the good and benefit of mankind, a dozen and a half men, the cream of the Sikh society, were massacred by an organised band, when these peaceful Sikhs were on their way to a pre-arranged concourse and gathering of a new permissive sect where, admittedly, grave and malicious insults were being audaciously hurled against the Sikh religion and Sikh beliefs and sentiments, to dissuade them from it. About one million Sikh pilgrims had gathered at Amritsar on this sacred Baisakhi day, a day on which Jallianwala Bagh massacre had taken place in 1919. Now, a batch of a few dozen prominent Sikhs marched bare-footed and unarmed from Ajit Nagar, where they were reciting Gurbani Kirtan, to the gathering of these traducers of Sikhism,

but they were stopped at a distance of about two hundred yards away from their venue for a period that proved sufficient for a para-military platoon, armed with lethal weapons, guns, revolvers, acid-filled bottles and mechanical propellents for shooting poison-tipped arrows, to emerge from the Sikh-baiters' gathering and take up positions behind a row of motor trucks already lined on one side. The Sikh protesters had, in the meantime, been persuaded by police officers on duty into believing that steps were being taken to stop further provocations to Sikh religious sentiments. Then, the voice of the Chief of these Sikh-baiters was heard outside through the elaborate sound-system set up within their enclosure, saying: "These Sikhs think they can stop us from freely carrying out our programme. Let them know today, how mistaken they are. Time has come to be active for those, who have come here for this job." At this stage a para-military platoon briskly advanced towards the Sikh-protesters who, in the meantime, had been joined by many more men, to make a concerted attack on the Sikhs, with bullets, acid-bottles and poisoned arrows. The police on duty hurled tear-gas bombs against the unarmed Sikhs, ostensibly to disperse them, but converting them into sitting ducks for their hunters and shikaris. One of these hapless Sikhs, a highly devout, well known and well-educated person was wounded grievously though not fatally, with multiple bullet wounds when an attacker shot at him at close range to finish the job. Before this *coup-de-grace*, however, the Sikh was informed by his killer that, "you are a really troublesome person". Thus died Fauja Singh.

2. AFTERMATH

It did not take long for this drama to reach its denouement. A dozen and a half Sikhs lay dead on the spot, riddled with bullets. Over forty Sikhs received serious injuries with bullets, sharp-edged weapons and blunt lathis, and another one hundred Sikhs received grievous injuries requiring medical attention. Some passers-by, including a Muslim labourer, is amongst the dead and two or three of the dead persons are claimed by the Sikh-baiters as belonging to their own "religious" sect, though the Sikh-baiters have failed to come forward to support it by having a formal case registered with the police for proper investigation. It is widely rumoured that many dead bodies of the Sikhs were taken into possession by their killers and dragged into their enclosure but now no trace is available of them. The huge gathering of the Sikh-baiters that was scheduled to be formally addressed

also by a Punjab State non-Sikh Minister and an influential non-Sikh, Jullundur newspaper owner, continued undisturbed for some three hours even after this massacre of the Sikhs, about two hundred yards away, and the instigator and organiser of this holocaust, the presiding deity of this Sikh-baiters' organisation, was leisurely and safely escorted out of Punjab, with high Government officers, respectfully acting as his escort. Two car-loads of lethal weapons, earlier brought in, were also thus taken away. On reaching Delhi he was promptly granted an interview with the Prime Minister of India from whom he demanded full adequate arrangements guaranteeing his personal and his followers' protection. A case for murdered Sikhs on the 13th of April, 1978, at Amritsar, has been registered by the police authorities and caches of lethal weapons and other arms have been recovered from the Amritsar meeting place and other organisational centres of these Sikh-baiters. A number of suspects have been arrested and detained in judicial lock-up for further action.

3. ITS TRUE SHAPE

A press-report describes this pre-planned massacre of the Sikhs, as a "clash" and the mass media refers to the killed and injured Sikhs as "Nihangs" and their killers as "Nirankaris". This is in keeping with age-old practice to place the truth on the scaffold and falsehood on the throne, to safeguard vested interests and to crucify the innocent. But the good people, every where, and men of good-will of the international community, would want to know the truth the un-masked truth.

4. THE KILLER AND THE KILLED

A "clash" is where two objects or factions strike noisily against each other. Where the striking and the sound is wholly one-sided, there is no "clash", and yet almost the entire non-Sikh Press, refers to this massacre of Sikhs as a "clash". As the facts are, almost all the dead persons of this "clash" are the Sikh protesters, each one of them an educated, well-employed citizen and a Muslim labourer, and two or three other passers-by, whom now the killers claim as their own, but decline to have their claim properly investigated. All the killed Sikh protesters have been found as unarmed, wearing sheathed, short-sized religious symbol, *kirpan*. It was, thus, a "clash",

such as occurred in A.D. 1919 at the Jallianwala Bagh at Amritsar, on the Baisakhi day, between the peaceful Indian citizens, assembled to protest against the outrageous Rowlatt Act and the fully armed Gurkha soldiers of General Dyer.

5. BAD NAME

The killed Sikh protesters are almost invariably referred to, in the non-Sikh Press and the other national media, as "nihangs", "armed with traditional weapons", and the killers are, with tender solicitude, described as *nirankaris*, "the worshippers of the formless God". Weapons can kill the innocent and the unarmed, but words are even deadlier, for, the Word was in the Beginning and the words cannot only conceal the murder but make the murderer look like injured innocence itself.

6. THE NIHANGS

What is a Nihang? Nihangs are the traditional remnants of the holy militia of Guru Gobind Singh (1666-1707) who dress in their ancient dark-blue uniforms and carry their traditional arms, mainly a spear, a sword and a quoitus as emblems of their inner dedication to the Sikh religion. For the last three centuries, they have lived a semi-monastic dedicated life, in this style, even under the British rule and they lead peaceful and disciplined lives. Even during the Sikh hegemony and sovereignty in the north of India, they were never known to have committed an act of unprovoked violence or wanton killing. Their spirit of public-service, their deathless daring and matchless bravery in battle, has invariably won unqualified praise and approbation from friends and foes, in the past. Nihangs are not outlandish outlaws and anti-social desperados, as a section of the Urdu & Hindi Jullundur Press paints them. Amongst those killed on the 13th April, 1978 at Amritsar, there was found not a single nihang, unless every citizen who does not keep a shingled and bared head, wears dark coloured dust-concealing Indian garb, does not wear a loose *dhoti*, nor shaves his beard, is to be castigated as a nihang and condemned as a potential criminal in our free India. Who are these killers of the Sikhs, almost reverently referred to as *Nirankaris* the 'worshippers of the formless God', is, however, another story.

7. TRUE NIRANKARIS

In the late twenties and early thirties of the nineteenth century, there arose and flourished a Sikh puritanical movement in the north western provinces of the Sikh Commonwelath, the *Sarkar-i-Khalsa*, the adherents of which movement called themselves *nirankaris*, following the first description that Guru Nanak gave of himself, "Nanak, the *nirankari*": "I am Nanak, the worshipper of the Formless God". This movement is not a separate sect of Sikhism; they practise the principles with unwavering devotion and without laxity. After the expulsion of the Sikhs from what is now Pakistan, the headquarters of these true *nirankari* Sikhs shifted from Rawalpindi to Chandigarh, and they now live in the Indian Punjab and the rest of India, hard working and prosperous, indistinguishable from the general mass of the Sikh community, except by their marked piety and devotion to religion. Their basic slogan is: *dhann nirankar, deh dhari sabh khwar*, that is, 'All praise to the Formless God; all forms are perishable'. In the second part of this slogan, the students of comparative religions will detect the echo of the basic Buddhist 'noble truth', *sab anitta*, or an affirmation of the last words on earth of Gautam, the Buddha, *vyadhamma sankhara*: 'all aggregates must disintegrate', which is also the true Sikh doctrine. The first part of this slogan is the common ground between all higher religions, the Vedic religion, Brahminism, Islam and Judaism, including Sikhism. The first part of this slogan, *dhann nirankar*, however, has also been adopted by the Sikh-baiters and pseudo-*nirankaris*, with the tongue in cheek, for they supplement this slogan by adding: *aiya guru bachan avtar, sare jag da palan har*, "God has descended in human form as Gurbachan Singh, the Light and Guide of mankind, and verily, he is the Sustainer of the entire Universe". A few words are necessary about the genesis, the doctrines and practices of this 'Sustainer of the entire Universe', Gurbachan Singh, the Chief of the Sikh-killers at Amritsar, and his followers.

8. PSEUDO-NIRANKARIS

One Buta Singh (1883-1944) was a paid hymn-singer at Rawalpindi headquarters of the true *nirankaris*, but was dismissed and expelled from their congregations on account of his excessive addiction to alcohol and lax morals. He tried to set up a rival or separate *nirankari* congregation at Peshawar to eke out a living, but met with no success and died in penury with a revolting disease. He gathered another

unemployed companion, Avtar Singh by name, who was making a precarious living by baking bread and selling his own products as a pedlar in the streets of Peshawar, till 1947, when he migrated to Delhi as a refugee. The common bond between Buta Singh and this Avtar Singh was their partiality for alcohol and sex and their firm conviction that men are easiest to dupe in the name of religion, leading to easy money and sumptuous living. The 'success' that had evaded Avtar Singh in the pre-partition Punjab smiled on him in Delhi where he rented a small tenement in the Paharganj area and publicised, through agents, employed on commission-basis, that he, Avtar Singh, could reveal the 'Face of God' to anybody at a short notice and for a moderate fee. Miserable refugees from western Pakistan, hapless and haggard, fell an easy prey to one who promised instant peace of mind, for a small fee, but without demanding any curbs of self-discipline or self-denial. A new religion was born, the cardinal doctrines of which were as simple as simplicity and as acceptable as sin. This Avtar Singh died in 1969 in Delhi, afflicted with cancer and other revolting diseases after proclaiming that his son Gurbachan Singh, aged 41 then, was the God Almighty. This new 'religion' of libertinism and permissiveness has three basic tenets, proclaimed openly, solemnly and authoritatively through the written and the spoken word : (1) Believe that Avtar Singh and subsequently, his son, Gurbachan, is God Almighty in human form, having the authority and charisma of all the past prophets of mankind, out of whom, Moses, Mohammad, Christ, Krishna, Rama, and Guru Nanak are specifically mentioned by name. In the *Illustrated Weekly*, Bombay, 24th October, 1971, this claim is unequivocally made. (2) No sin can touch or tarnish those who cherish full faith in the cent per cent Divinity of Avtar Singh and his progeny. In the officially sponsored write-up about this Gurbachan Singh, published in the *Illustrated Weekly*, a prominent follower of this modern religion tells us:

'Before I was converted to this new faith,
I was an agnostic (i.e. a misguided Sikh).
Gurbachan Singh has completely changed my psyche.
I now freely consume beef and pork.
I also freely indulge in alcoholic drinks.
This makes no deleterious effect on my inner
purity and spiritual progress' - (as reproduced in the, *Nakli
Nirankari, infra*, p. 126).

Likewise, in the divinely inspired *anubhavi gyan* of the *Sant Nirankari* issue of June, 1964 (p. 16), we are informed that the followers

of Gurbachan Singh are beyond good and evil, freed from all moral controls, ethical shackles and social censure:

"My blessed followers are free to indulge in whatever they desire.

Nothing is pure; nothing is impure –

All fellow-believers merrily tread this straight path".¹

The third tenet of this modern religion is a logical corollary. (3) The only thing forbidden to the followers of this new 'religion' is, social censure of any fellow-believer for whatever he may or may not do in his personal life. All these three doctrines are unambiguously and repeatedly proclaimed and reiterated in the authoritative and official corpus of writings of these pseudo-nirankaris, their ghost-written scripture, *Avtar-bani* and their official periodical: *Santnirankari*. The *Avtar-bani*, a book of cheap contents in crude Punjabi diction proclaims this divine revelation for the enlightenment of the modern man: "In the Beginning, in the Middle and at the End of All things, Formless God is ever and for ever more... He is the Creator-omnipotent under the name and style of Avtar Singh. The Mother of the Universe (Mrs. Avtar Singh), therefore, would have every one know that Gurbachan Singh is the only true Guide and Light for mankind, for, he is, verily, the God Almighty incarnate". May, 1964 issue (p. 9) of the official publication of this 20th century World-religion informs all and sundry that, "Avtar Singh is *Allah* returned to Earth and *God* also has been brought along. *Rama* frolics in his lap, for, he, Avtar Singh, is the One and only God, the Lord come down to Earth." Again, February, 1966 issue of this periodical reveals the 'fundamental truth to the whole world' thus: "The whole world must know this fundamental truth, here He is (as Avtar Singh), the Creator of the World. He is the only everlasting and undying One, all else is perishable." Lest doubts should disturb sceptical temperaments as to the authority of 'the Mother of the Universe' to invest her son, Gurbachan Singh, as 'the Creator-omnipotent God', here is the logical argument to dispel all doubts, given in the modern scripture, *Avtar-bani* itself.

"She who marries a medico is automatically called a lady-medico.
She who weds a school teacher is known as a female teacher.

I, by becoming the spouse of Avtar Singh, have been exalted as
'the Queen of the Universe'."

But off and on, the current 'Sustainer of the entire Universe', Gurbachan Singh, makes such statements in Press and on platform

as he finds necessary to tide over a particular situation, which statement is supposed to have no binding-force on him or his followers, since he is, *ex hypothesis*, immaculate and utterly pure and no sin can touch or tarnish his followers. The late Avtar Singh was wholly illiterate and ignorant person but he was amply endowed with the shrewdness of a petty pedlar. His "Scripture" was ghosted by a cheap penpusher, whose identity is known. The current "Sustainer of the entire Universe", Gurbachan Singh, is a scooter-repairer by training and his educational progress did not proceed beyond upper primary standards, an admission he has repeatedly made in public statements and through issues of his official periodical. The followers that he gathered around himself remained limited in number till about ten years ago, when he was catapulted into a world-figure, overnight, with branches of his 'Mission' in over a hundred countries and with huge activity-centres and properties throughout India. His private and family assets are now believed to be computable in millions of rupees. High politics, secret and practically unlimited patronage and resources, have endowed Gurbachan Singh with vast affluence and power.

9. MORAL DECAY

This, however, Gurbachan Singh's phenomenal access to affluence and power, popularity and prestige, is not a point of contention between Gurbachan Singh, his followers and the Sikhs. Nor is the moral laxity, unbridled permissiveness and disintegrative malaise which he and his movement foster in society, a direct issue between the Sikhs and these pseudo-nirankaris. Retreat from religious and absolute moral values is a world-wide phenomenon and permissiveness, sex-promiscuity, moral laxity and social disintegration is by no means, peculiar to India today; the phenomenon is world-wide and oecumenical, the reasons for which are deep-seated and historical. Nor is this phenomenon exceptional to modern times. It erupts, it seems, whenever there is an onset of decay and deterioration in social cohesiveness and moral vitality of a culture or civilisation. Gibbon has noted emergence of all sorts of sects and societies, "Oriental religions", as he calls them, when the Roman Empire weakened and disintegrated. In *Bhagvadgita*, we are told that, "as moral decay sets in, men take to adulation of and subservience to mortal humans and abandon worship of the unseen God" : *sivanam puja parityajaye manussanam upasanam*. The Sikh pious texts of Bhai Gurdas (d. 1637) tell us that

a symptom of moral decay is that, "social censure and absolute moral judgment disappear and men become playthings of their own passing fancies and corruptive passions", *koi kisai na varjai soi karai joi mana bhavai*. Guru Gobind Singh provides us with a key to an understanding of this phenomenon by revealing that, "there shall arise an Absolute God in every house, altogether contemptible and degraded men these": *ghar ghar hoe behange rama, tinu te sari hai na kou kama*. Have our pseudo-nirankaris taken their cue from *Bhagvadgita*, Bhai Gurdas and Guru Gobind Singh, in founding their new religion for the modern miserable man, in utter defiance and contempt of the Voice behind the *Bhagvadgita*, the Inspiration behind Bhai Gurdas and the Light in Guru Gobind Singh? Sri Dina Nath, Sidhantalankar, an eminent writer, in the April, 1973 issue of the Hindi Monthly, *Jana Gyan* (p. 30) tells us that :

"there is a deluge of bogus gods-incarnate and hypocritical *gurus* in India, these days. Currently, there are over two hundred and fifty persons thriving in India who claim to be gurus or gods incarnate. Some of them stake the claim that they are the supreme god, Vishnu, others proclaim that they are the god of gods, Siva, and still others assert that they are incarnations of Sri Rama Chandra, Lord Krishna, or the Final Incarnation heralding the End of the World, Immaculate Kalki."

10. THE ISSUE

The issue between the Sikhs and Gurbachan Singh and his caucus is three-fold. (1) The main thrust and the real salience of this movement is anti-Sikhism, and its permissiveness and promiscuity is secondary. (2) Its methodology is denigration and coarse ridicule of Sikh doctrines and practices and malicious outraging of Sikh religious sentiments, and insulting Sikh religious beliefs. (3) Its dynamism is politics, promoted and prompted by political power that aims at degrading and demoralising the Sikh people permanently, to deprive them of the control of their own history and their spiritual potential and thus reducing them into secondary citizens and camp-followers, so as, eventually, to divest them of their living separateness, shrinking them into a footnote in History. Let this be explained briefly.

11. SIKH-BAITING

The Chief of these pseudo-*nirankaris* strictly observes the outward garb and forms of a saintly Sikh and so do his aides and lieutinants. And not without malice aforc-thought. Till only recently, their public gatherings were invariably centred around the ceremonious installations of the Sikh scripture, *Guru Granth Sahib*, that the Sikhs revere as the visible symbol and form of the Light and the Vehicle of the Grace of God, accessible to man in the form of Guru's Word and Testament. This Sikh doctrine and faith foretaught by five centuries, the latest modern development in European religious thought and theological dogmatics (Karl Barth, 1886-1968) that recognises distinction between the word and a religion by accepting that while the former is God's self-revelation to man, the latter is the product of human culture and aspirations and is not to be identified with saving revelation, for, salvation can come only from God and not from man. Almost all these pseudo-*nirankaris* are ignorant, unlettered commonality, familiar with nothing about religion and sophisticated thought except the portmanteau jargon of Sikhism, in Lewis Carroll's sense of a word, packed with sense and sound of many words, capable of being employed successfully for ridiculing and creating confusion about Sikhism. In their writings and preachings their main and primary concern and pre-occupation is to misinterpret and to corrupt Sikh doctrines and Sikh beliefs and thus to confound and insult the Sikh scripture publicly. This nefarious and criminal game has been going on, unchecked, for the last twenty or so years and has given rise to many near-riot scenes between the Sikhs and these Sikh-baiters. In their gatherings, they display the Sikh scripture (Holy Guru Granth Sahib) in traditional ceremonial robes as Sikhs do, but degrade it by placing it on a lower-level platform than the one on which their Chief or main preacher seats himself. No graver provocation can be offered to Sikh religious sentiments when these antics are publicly and maliciously indulged in. A parallel would be, if a non-Hindu placed a Hindu ikon or sacred idol under his feet in public and then unfavourably commented upon the religious concept implicit in this ikon or idol. The grave provocation involved is equal in magnitude to the insult to Hindus and Hinduism that Mahmud of Ghazna offered, by carrying the sacred *lingam* of Somanath to the Jami 'mosque of his capital to place it on its footsteps for being treaded over by Muslim worshippers, in the 12th century. The point is not that the Sikhs demand or expect everybody to accept the Sikh scripture the way the Sikhs regard it, the point is that they resent and rightly so, its profanation and calculated

insult to it by others. (2) In their writings and in their preachings they pretend to pick up a sacred text out of the Sikh scripture to explain and comment upon it as Sikhs do in their congregations and then ridicule, twist and misinterpret it by design. The exegesis of the sacred text is invariably prefaced by the remark : "This fellow here says": *kahinda hai*, a gross form of disrespect and insult to the Sikh Prophets and Sages through whom the Sikh revelations are indicated in their scripture as having been manifested. This gross insult is repeated publicly, on every occasion, in word and in writing. In the June, 1964 issue of their official publication, the *Sant Nirankari*, this *kahinda hai* insult is reproduced as having come out of the mouth of 'God Almighty', Avtar Singh, himself. (3) Such commentaries, when reproduced in the *Sant Nirankari* and their other publications always bear the caption : "Testament by the True King" : *vichar sri sache patshah*. The Sikhs have traditionally referred to their Gurus and Prophets, as *sacha patshah*, the Spiritual Master, and these pseudo-nirankaris have appropriated this title for their Chief deliberately, to substitute him for the Sikh Gurus and to outrage maliciously the Sikh religious beliefs. (4) In their gatherings and concourses they frequently refer to the Sikh scripture as, "a big bulky, useless volume of miscellaneous writings", *potha*, "a didactic miscellany" in contradistinct into a compendium of sacred texts, just to outrage the religious beliefs and feelings of the Sikhs. In June, 1973, at Nagpur, the wife of Gurbachan Singh, who is pompously styled as *Raj-mata*, 'the Queen Mother', made a public speech in which she said that, "My husband alone is the Deliverer of Mankind in this Age; he alone can emancipate you. No useless and pointless big bulky volume of so-called Divine Testaments (here, she pointed towards the Sikh scripture) can do you any good". In the August, 1964 issue of the *Sant Nirankari*, the Sikh scripture, *Guru Granth Sahib*, is described as a "book containing writings of 70-72 (sic. actually, 35) educated persons who believed in no religion or *dharma*". In this issue, the President of the Nirankari Mission, the Delhi-based Supreme Organisation of these pseudo-nirankaris, further asserts that all writings in the *Sant Nirankari* are "divinely revealed", *anubhavi gyan*, of the identical order as is claimed for the Sikh sacred texts of the *Guru Granth Sahib*. (5) In the June, 1964 issue of the *Sant Nirankari* in an essay, "What is true Revelation", *gurbani ki hai*, it is said about *Guru Granth Sahib* as follows :

"How can any sensible person call the writings in this big bulky book, a Revelation? True, it contains didactic material but nothing more."

In the April, 1964 issue of this Journal (p. 31) a follower of the 'Sustainer of the entire Universe', Gurbachan Singh, records his confession of conversion to this new religion thus:

"I, the lowliest of the lowlies, was much devoted to diligent study of the Sikh scripture. This craze is now all over. It will surprise all except my fellow-*nirankaris*, for they might wonder, how such a change is possible."

These instances of anti-Sikh dynamism and stances of this new religion are just illustrative and by no means exhaustive.

12. PROVOCATION

The methodology evolved and constantly practised to insult Sikh beliefs and institutions and to provoke publicly Sikh religious susceptibilities, is no less crude and objectionable. (1) The congregations of these pseudo-*nirankaris*, whether in the presence of Gurbachan Singh, the 'Sustainer of the entire Universe' or otherwise, invariably begin and end with hymn-singing the *sabad-kirtan*, mode of Sikh worship, and in these hymn-singing sessions the sacred and pious Sikh poems are intermixed and entwined with anti-Sikh apocrypha and self-made verses calculated to profane Sikhism and to insult its sacrosanct dignity. This mock *kirtan*, thus, becomes of the genre of the anti-Christ Black Mass of mediaeval Christian history, not enacted in secret privacy like the Black Mass, but publicly, in centres of dense Sikh populations and on occasions of traditional Sikh religious gatherings, to insult Sikh religion, to mock at Sikh practices and to provoke Sikhs into violent protest or dishonourable submission. These hymn-sessions end, invariably, with their litany:

"Gurbachan Singh is the Descent of Divinity on Earth. He is the Sustainer of the entire Universe.

(O, Gurbachan) your Will is the sole measure of Goodness. For, you are the eternal living God."

The last couplet of this litany is from the Sikh scripture, *Guru Granth Sahib*, which enunciates that, God's Will is the Matrix and final Test of human ethical judgement and He is the eternal Living God. The first two lines are a piece of crude versification in the *Avtarbani* of these pseudo-*nirankaris* and by joining these two couplets the Sikh sacred text has been grossly profaned and put into service of deification of Gurbachan Singh. Nothing could be conceived as

more provoking to the Sikh religious sentiments. As the April, 1972 issue (p. 26) of the *Sant Nirankari* shows, the pious text of Bhai Gurdas, *jahar pir jagat gur baba*, 'Guru Nanak is the living Light and Guide of mankind' has been perverted by these pseudo-nirankaris into *Jahar pir Gurbachan baba*, '(Baba) Gurbachan is the Light and Guide of mankind'. (2) Gurbachan Singh has given the title-names to certain of his followers in mock imitation of Sikh hierarchy of Prophets and saints. His wife is ceremonially addressed as *Mata Tripta*, the name of the mother of Guru Nanak. His son has been actually named Gobind Singh, not as a mark of reverence for Guru Gobind Singh, as many Sikhs do, but as a mockery of the last Sikh Prophet. On the Baisakhi (13th April) of 1973, at Hoshiarpur in Punjab, this Gurbachan Singh, who has named his son as, Gobind Singh, created a serious riot by stating in a public gathering that "Guru Gobind Singh, the Sikh Prophet knew nothing about spiritualism or devotion to God; he was just a common hunter, a shikari of birds and animals". So, he could not have named his son, Gobind Singh, in any spirit of reverence towards the Sikh Prophet; it has been done demonstrately, in mocking contempt of the Sikh Prophet. On the same occasion this Gurbachan Singh gratuitously said that when Sikhs reverently gather to clear the silt out of the holy lake at Amritsar, *karseva*, in fact, they are engaging in a stupid and futile labour, *bekar-seva*. Like sensible persons, he and his followers, ran away into safety when public feeling violently erupted against his crude profanities of and malicious insults to Sikh religion. He has conferred the ceremonial names and titles of *Baba Buddha*, (the Sikh patriarch), *Bebe Nanaki* (the sister of Guru Nanak) *Bhagat Kabir* (the revered saint of Sikhology), *Mira Bai* (the peerless, God-intoxicated medieval princess), and so on and so forth, on certain of his followers, men and women, to exhibit what malice and contempt reside in the bosom of this man against Sikhism and the galaxy of Sikh saints. (2) As reported in the April 1966 issue of the *Sant Nirankari* (p. 7), Avtar Singh, in a public gathering at Delhi on the 27th February, 1966, proclaimed that,

"while Guru Gobind Singh
had ordained only Five
Beloved Ones as the founding
members of the Khalsa, the
apotheosis of Sikhism, I,
Avtar Singh, have now ordained
Seven Beloved Ones."

Gurbachan Singh, the son and successor of Avtar Singh, has now re-named these seven Beloved Ones, *panj pyaras*, as Seven Stars, *satt sitaras*, betraying his deep attachment to the movie-cult and intimate interest in cine-literature. Incidentally, on the fateful day of the 13th April, 1978, this Gurbachan Singh was taken in a huge procession, under the police protection, through the winding streets of the holy city of Amritsar, and throughout, *en route*, it was being repeatedly proclaimed on the loud-speaker, addressing a million strong Sikh pilgrims : 'Behold, Baba Gurbachan, the real Guru of the age who is competent to release Sikhs from the bonds of transmigration. While Guru Gobind Singh could ordain only Five Beloved Ones, he, Gurbachan Singh, has ordained Seven Stars for elevation of mankind'. It was this grave provocation, audaciously offered to the gathered Sikh pilgrims at Amritsar on this fateful day that outraged the Sikh religious feelings, and on learning that Gurbachan singh and his followers were still repeating this and other similar insults to the Sikh religion and sentiments, a batch of respectable and disciplined Sikhs marched in protest to the venue of Gurbachan Singh's gathering and were stopped by the policemen on duty, about two hundred yards away, till the private militia of Gurbachan Singh, massacred the un-suspecting Sikhs, the police lending a helping hand by teargassing the Sikh protestors. (3) When the Fifth Nanak, Guru Arjun (1563-1606), established Amritsar as the centre of Sikh religion, the first sacred tank he got dug-up, was *Santokhsar*. Avtar Singh has recently dug up a ditch at his headquarters at Delhi and has named it *Santokhsar*, with the deliberate and malicious intention of insulting the Sikh religion. (4) *Mahapurusha* is a Buddhist appellation for a perfected, fully integrated man as the opposite number of the vedic *arya*, 'the noble man'. *Brahmagyani* is the Upanisadic term for the highest, spiritually evolved soul. In Sikhism both these words are transvalued and re-interpreted as identical in content, designating a 'perfect man', *Insanulakmal* concept of the eleventh century Muslim philosopher, Abdul Karim Jilli, and in the Sikh scripture, *mahapurusha* and *brahmagyani* are interchangeably employed to denote a fully evolved and spiritually perfected man. The vedic concept of *arya* is not inducted into Sikh religious terminology owing to its undertones of caste and distinction by birth. The pseudo-nirankaris, through their Chiefs, the Father and the Son, Avtar Singh and Gurbachan Singh, has entitled a few dozens of their followers as *mahapurushas or brahmgyanis*, all hawkers, and petty traders, rustics and ignoramuses, decrepit social drop-outs and rejects. In their congregations and public gatherings these persons are ceremoniously presented to the audience, with the

object and intention of mocking at Sikhism and insulting Sikh doctrines and beliefs. (5) In 1972, Gurbachan Singh, to outdo the Agha Khan and Asiatic emperors and magnates of the past ages, had himself publicly weighed against bundles of Reserve Bank of India paper-currency. Whether this weighing ceremony was a proof positive of the divinity of Gurbachan Singh or merely a device to convert smuggled money or secret funds into white, legitimate money, is not a direct issue between the Sikhs and Gurbachan Singh's caucus. Photographs of this royal and spectacular ceremony widely appeared in the Press and these photos carried a caption underneath : *ape kanda tol toraji ape tolan hara*. This is a text from *Guru Granth Sahib* (*Suhî. I*) wherein the Sikh scripture, in reference to the human numinous experience of God, poses the question :

"Who shall measure the Glory of God and weigh His Greatness?

Who the supervisor and which the weighing apparatus?"

And the answer is supplied in the text under reference and its concluding lines:

"Who else but God Himself
can be the measurer and weigher, the
weighing machine and the supervisor,
because, as it is, human mind is purblind
and feeble, human reason self-limited and
capable of moving only on set rails, infected with
distracting mercuriality and alienated from its Base."

Gurbachan Singh and his cronies have, in this instance, not only fully equated Gurbachan Singh with God the Almighty and the Transcendent but, in the process, have denigrated the Sikh Vision of God, the Sikh understanding of the human existential situation, with the evil and malicious intention of confounding the Sikh religion and outraging the religious feelings of the Sikhs. Such instances and antics of these enemies of Sikhism are there in any number but the point has been made out that, the 'religion' which Gurbachan Singh and his late father, preach and have preached is no religion at all. A religion deals with 'the sacred', the sacred as forbidden, the sacred as mysterious, the sacred as secret and the sacred as potent, but the pseudo-nirankari cult deals with no secret, sacred mystery and is exclusively concerned with earthly pleasures and gratification of human passions. Religion is an ensemble of scruples; a repudiation of all

scruples is plain anti-religion, that is, pseudo-*nirankaris*. This cult, besides, is demonstrably a conspiracy, a ploy and a facade for destroying Sikhism through a crude methodology of corrupting and insulting Sikhism and outraging Sikh beliefs. How can such a sadistic and satanic enterprise be protected by or seek protection under Article 25 of the Constitution of India, as is being demanded? The Article 25 lays down that, "freedom of conscience and the right freely to profess, practice and propagate religion" is constitutionally guaranteed in India, 'subject to decency, law and order and public morality'. The 'religion' and activities of Gurbachan Singh cannot attract this provision as applicable to their case.

13. POLITICAL GAME

The real political dyanamism behind this high conspiracy to demoralise and destroy Sikhism as a world-religion and to liquidate Sikhs as a political people, has been known in knowledgeable circles for the last over a dozen years, but there has been a conspiracy of silence, to keep mum over it, by the national media and the political power-wielders, for reasons of expediency. In an early last week issue of April, 1978 of the Chandigarh edition, the Daily *Indian Express*, however a public-spirited leader, Sat Pal Baghi of Ferozepore, has spelt out briefly some of the unvarnished truth, as follows :

"The genesis of the real trouble between the *Nirankaris* and Akalis goes back to the years when Mrs. Indira Gandhi headed the Union Government. She wanted to weaken the Shiromani Akali Dal but found that Akalis could not be brought to heel. She thought of an elaborate plan to strengthen the *Nirankari* sect not only in Punjab but throughout the country and abroad also. Official patronage was extended to the *Nirankaris* much to the chagrin of Akalis who have always considered the *Nirankaris* as heretics.

In pursuit of this policy of divide and rule, Mrs. Gandhi personally gave clearance for a diplomatic passport to be issued to the *Nirankari* Chief, and the Indian High Commissioners and Ambassadors abroad were instructed to show him respect and regard. This was meant to help the sect to improve its image and increase its following abroad.

During Mrs. Gandhi's regime, the *Nirankaris* were known to be receiving financial help from secret Government funds, not open to audit or scrutiny by Parliament.

During the Emergency the recalcitrant attitude of the Akalis further annoyed Mrs. Gandhi and Mr. Sanjay Gandhi. Efforts for building a parallel organisation among the Sikhs of Punjab as a counterblast to the Akalis were intensified. At the instance of Mrs. Gandhi, the Congress regime, began giving greater official patronage to the *Nirankari* sect. Mr. H.S. Chhina, I.A.S., a staunch *Nirankari*, was appointed Chief Secretary to the Punjab Government in 1976.

As a result of open official patronage and support this sect got a considerable boost within the administrative set-up of the Punjab Government. Mr. Chhina appointed Mr. Niranjan Singh, I.A.S., as Deputy Commissioner of Gurdaspur. Mr. Niranjan Singh tried his best to enlarge the field of operation of the *Nirankaris*. It is during this period that the Sant of Bhindranwale took up the challenge posed by this growing sect."

Sat Pal Baghi might have also added that the Government of India's directive to their ambassadors abroad specifically stated that all necessary steps must be taken to boost Gurbachan Singh amongst the Sikhs settled abroad.

14. IT HAPPENED BEFORE

This phenomenon, in which Sikh religious sensibility is calculatedly outraged and their human dignity cruelly injured, has its historical antecedents in this part of the world. It was in the late twenties of this century that a cultural ancestor of the present anti-Sikh-Hindu urban crust wrote and published a small book, purporting to be a research-paper in history, under the title of *Rangila Rasul*: 'Mohammad, the pleasure loving prophet'. The matrimonial history of this God-intoxicated and world-shaking Prophet was recounted in this booklet in minute details supported by authoritative Muslim writings, and by slants and twists well familiar to history writers, the conclusion was drawn and spelt-out that Mohammad was a lascivious, lecherous man. The booklet was concluded with the mocking epilogue : *Bol Rangila Rasul ki jai*. Anybody who knows anything about Islam and Muslim sensitiveness and sensibility knows that it is basic to them that while "liberties with God are permissible, not so with Mohammad": *ba khuda diwana bash, wa, ba Mohammad hoshiar*. The entire Muslim world of India writhed in anguish at this gross insult to and attack

on the Muslim community but they were laughed at and chided by the citified Hindu Press of Lahore, for being primitive, medieval, religious fanatics, unreformed by sophistication and modern liberal education that teaches objective, critical thinking and dispassionate judgements. To assuage Muslim feelings the British authorities in Punjab, however, prosecuted in a law-court the publisher of the offensive booklet, under Section 295 of the Indian Panel Code, the only statutory provision available in relation to insults to religion. This provision makes it an offence punishable with imprisonment for two years, 'to injure or defile a place of worship or any object held sacred by any class of persons, with the intention of insulting the religion of others. The publisher was convicted in the lower court but the Lahore High Court acquitted him, for good reasons, because in the *Rangila Rasul*, neither a place of worship nor a sacred object had been defiled or injured. The book had maliciously insulted the Muslim religion and outraged the religious feelings of Muslims. It was at this stage that a wailing dirge was often heard in the towns of Punjab during nocturnal stillness.

"O, my Master, the Messenger of God,
 My agony is as great as was yours,
 When they persecuted you to flee from Mecca to Medina.
 Give me a place of refuge similar to the one God gave to you.
 My cruel neighbours would not let me live in peace in India."

In their utter anguish and unredeemed despair the Indian Muslims felt impotent in their rage and consequently a Muslim, 'Ilm Din, by name, murdered the publisher of the offensive booklet in broad day light, for, the real author had remained anonymous. 'Ilm Din was convicted and hanged to death for wilful murder under Section 302 of the Indian Penal Code. The funeral procession of 'Ilm Din was a huge event, led by no less a person than Sir Mohammad Iqbal, 'the Poet of the East' and Maulana Zafar Ali, 'the Father of Urdu Journalism' to demonstrate the magnitude of injury felt by the entire body of Indian Muslims. This, however, gave rise to a general impression in the minds of those who perversely believe that to insult the religion and to outrage the religious sentiments of a fellow citizen is a fundamental right of 'freedom of expression' and 'liberty of conscience' and that such a fundamental right must be repeatedly asserted. Soon after, somebody in the West Punjab, named a pack-donkey of his, as *Mohammad*. This was no offence under the law as the High Court Judgement in the *Rangila Rasul* case has shown. An outraged Muslim

murdered the owner of this pack-donkey and was hanged to death by the judicial courts. Muslims were in deep, desperate despair. Not long after, another protagonist of 'freedom of expression' and 'liberty of conscience' named his dog as, *Ahmad*, a proper name of the Prophet of Islam. A Muslim murdered this owner of the dog also for which he paid with his life on the scaffold. At this stage the authorities of the British raj took notice of the gravity of the situation and placed a new provision of law on the statute, as 295-A Indian Penal Code, which, as it stands, reads:

"Whoever with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs, or by visible representation or otherwise insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

This offence under Section 295-A I.P.C. when committed, is not 'cognisable', that is, neither a police officer on duty, nor a private citizen, can initiate proceedings against the offender; only the State may, in its discretion, do so. But under Section 10 (1) of the Criminal Law Amendment Act 1932, the State Government may declare by notification that this offence shall be cognisable when committed in an area, specified. Since such offences, then, altogether stopped in British India, no notification under Section 10 (1) of the Criminal Law Amendment Act became necessary till 1947. But the process of events that led to bloody communal riots in various parts of India till the creation of India and Pakistan and the partition of the country itself, with tragic losses in men, money and property, is directly and rightly traceable to the attitudes of a section of the majority community exemplified in the matter of *Rangila Rasul* and the names given to a donkey and a dog. That is how Pakistan was conceived, born and established through bloodshed, and all other explanations are spurious and off the mark.

15. CONTINUOUS SIKH-BAITING

During the last ten or twelve years, these pseudo-*nirankaris* have merrily and continuously indulged in the game of Sikh-baiting and many times it has led to near riots, obliging police authorities to intervene. On 3rd October, 1966, these pseudo-*nirankaris*, at Hansi,

in Haryana, provoked the Hindu population into riotous protest leading to serious injuries to many persons and intervention of the police because young innocent girls were being taught sexual laxities of this sect. At Hoshiarpur, at Ludhiana, at Pathankot, at Chowk Mehta, there have been riotous protests during the last few years against gross insults hurled by them at Sikhism and the Sikh community, but apart from dispersing and arresting outraged Sikhs, the Government authorities nowhere have taken any concrete steps to check and control this situation. Neither any prosecution of the offending pseudo-nirankaris has been launched nor preventive steps taken by specifying areas, under Section 10 (1) of the Criminal Law Amendment Act, where such provocations to Sikh religious feelings shall become cognisable offences, authorising police authorities to intervene on the spot. The agony of the Sikhs is no less intense than was that of the Muslims before partition of India but the Sikhs have no place outside India to migrate to or to regard it as their refuge, and the Sikhs have been softened and conditioned during the last fifty years to bear and put up with insults to their religion and all forms of other oppression, patiently and without demur, under the sinister preachings and spell of the narcotic cult of non-violence, much against the clear directives of their Gurus, their Prophets, not to turn the other cheek before a tyrant, not to take lying down any insult to their religion, their self-respect and their human dignity. The Sikh Gurus have bidden them to reply to the whip-crack of an oppressor with a thunder-bolt and not to die with a whimper but to "die fighting to the bitter end". In Sikh history there are recorded half a dozen cases where the Sikh Gurus themselves and Sikhs afterwards, have deemed it as a question of life and death where deliberate and malicious insult or outrage to their religious susceptibilities and their human dignity was shown, irrespective of what the circumstances and what the consequences. On the 13th April, 1978, at Amritsar, a peaceful batch of Sikh religious devotees, disciplined and of high social positions all of them, marched towards the gathering of the pseudo-nirankaris, their tormentors and traducers, to protect and plead, but they were stopped some two hundred yards away by the police on duty, till a para-military armed platoon of the *Nirankari Seva Mandal*, of which Gurbachan Singh, 'The Sustainer of the entire Universe' is himself the appointed Chief, arrived to murder a dozen and a half of them on the spot and to wound grievously about seventy more.

16. THE ROOTS

Sri Aurobindo Ghose (1872-1950) is the great ideologue of the modern Hindu nationalism. It is this Hindu nationalism that has come out as supremely triumphant out of the tragic partition of India, in 1947. Nirad C. Chaudhry is a cultural analyst of international repute and is a living reliable interpreter of contemporary Hindu mind. Both of them have something pertinent to say that puts the current tragic predicament of the Sikhs in India into lime-light focus. In his prestigious book, *The Foundations of Indian Culture*, Aurobindo Ghose points out that emergence of Sikhism in India "is a strikingly original" phenomena in the long cultural history of India, as it is the only 'movement' which is forward-looking and not merely re-interpretative, renascent or retrograde, as all other cultural or religious movements in India during the last two millenia have been. Thus Sikhism alone has the potency and will to grapple with the future and to come to terms with it, without compromising the enduring values of Hindu Culture. Possibly, basing his intuitive understanding on a study of Sikh history, he says:

"The culture which gives up its living separateness....which neglects its active self-defence will be swallowed up and.....(the people) which lived by it will lose its soul and perish."

What options are being left, in free India, to the Sikhs: to agree to spiritual suicide by quietly and submissively relinquishing their living separateness, of exercising no active self-defence and thus to lose their soul and perish? This is the ancient maxim of Hindu politics, outlined in the *Arthashastra* (1st. century), under the nomenclature of *matsyanyaya*, the 'Fish Justice', laying down that the obligation and final destiny of a small fish is to submit to being gobbled up by the big fish. It is on record that during early fifties when the Sikh leader, Master Tara Singh reminded Prime Minister Jawahar Lal Nehru of the solemn promises given to the Sikhs before 1947 to establish an autonomous region in free India wherein Sikhs can freely flourish as Indian nationals according to their own genius, Nehru informed Master Tara Singh that, "now the circumstances have changed". Home Minister Katju, openly told Master Tara Singh during the same period that the true destiny of Sikhs, now, is to give up their separate identity and merge indistinguishably into the inchoate mass of Hinduism. It is believed, on good grounds, that the pseudo-nirankari movement has been boosted and catapulted into power and influence by set policies of the previous rulers at Delhi, to help

dissolution of the Sikh identity, paralyse their spiritual potential and deprive them permanently of their control of their own history. Nirad C. Chaudhry, in his book, *The Island of Circe* is forthright in indicating as to who might be the architects of this blue-print to achieve, as the modern political euphemism might say, "the final solution of the Sikh problem", which in earlier, less sophisticated times, used to be called, 'genocide'. Nirad Chaudhry tells the world that today,

"the Hindus are the masters and rulers of India. They have regained political power after many centuries, and are fully aware of it, perhaps, over-aware...As the current jargon describes all the non-Hindus, they are *only minorities*."

17. WITHOUT HOPE OF REPRIEVE

During the 18th and 19th centuries, the Sikhs were internationally recognised as a sovereign political nation and the Sikh State, *Sarkar Khalsa*, from Jamuna to Jamrud and Aksai Chin to the appulse of Baluchistan. Their State and sovereignty was lost not on the battlefield, but through treachery at the negotiating table. In the Freedom struggle of India, they have made sacrifices out of all proportions to their small numbers despite deliberate erasures of them from all officially prepared records including the time-capsule buried in the Old Fort at Delhi. The outgoing British, in 1947, formally recognised them as the third legitimate heir to the Sovereignty of undivided India, besides Hindus and Muslims, but they remained steadfast in loyalty to the concept and ideal of an undivided India and a single Indian nation, for which temerity they paid a price, the details of which are not directly relevant here. Since 1947, they have strained their every nerve and staked their entire potential in developing and defending India, on the agricultural farm and in the industrial factory, for fraternal togetherness and for victory on the field of battle. But they are, so they feel and not without reason that, their destiny has been fixed as expendable, as manure and as a vanishing quantity in the crucible of the Indian political laboratory. Many of our brave and brilliant military Generals have died in mass accidents or of coronary shocks of supersessions. Many others have been used and thrown into dustbins. Some of our able and capable Civil Servants have been liquidated unceremoniously against law and good conscience, and others have been by the Rulers degraded and demoralised. Psycho-economic offensives have continuously been planned and mounted against us

to reduce our numbers in the country, to obliterate our political significance, to eliminate our natural pre-eminence in the armed forces and to sap our basic spiritual vitality and lower our civic dignity. Public media and law courts have frequently treated us as less than citizens of India, through judicial decisions that hold others more equal in law than Sikhs, the facts being identical and the law applicable being the same. Our unshaken pride in and loyalty to the integrity of the country and the goal of a united nation has been viewed as unreliable and suspicious and our moves to press and highlight our just demands had often been met with bullets, smear-campaigns, pervert findings of quasi-judicial investigations and hostile policies, and the death sentence pre-determined against us is made to appear as without any hope of reprieve. It was in this background that the Sikhs entered on a last-ditch, sustained and successful struggle against the Congress rule at Delhi, culminating in the Emergency regime, even when others had surrendered or retreated, hoping that a new dispensation and a chastened political leadership at Delhi might have a second look at the Sikh situation, with a view to reappraising their true legitimate position in India and to afford them a let-up from the suffocation and strangulation which has been their lot, since 1947. In the massacre of Sikhs at Amritsar, on the 13th of April, 1978 the Sikhs fail to see a silver lining.

The Sikhs, nevertheless, reiterate that their loyalty to the great spiritual heritage of their country, their determination to stand by and defend the ideal of a United India and one Indian nation and their faith that some day, sooner than later, a new and juster understanding of the Sikhs will arise, remain as firm and steadfast as ever.

18. TRUE FELICITY FOR MAN

If man would have true felicity and

his existential situation redeemed,

Then let him accept and act Truth, remembering Him.

Let him be humble altogether and thus be done with God.

Let him hurt no one and thus abide steadfast

in the inner peace of his own heart.

Nanak testifies for all to hear : God is

omnipotent to purify and exalt the
fallen and the debased.

Appendix-11

Report on Nirankari-Sikh Clash at Kanpur

Nirankaris, Sikhs, and the State

— Sikh Review Editors

Once again the Sikhs sandwiched between the Police, and the warriors of the 'Murderer at Large', Baba Gurbachan Singh, suffered another *galughara*, in 13 killed and a dozen wounded by the combined volley of bullets of the Police and the Baba's hordes, at Kanpur on Sept. 26, 1978. This premeditated murder of peaceful demonstrators – as would appear from the unofficial Enquiry conducted by the three highly respected members of the Sikh community, who are also men of legal standing and status of unimpeached integrity – furnishes, another proof of the State's complicity in the plan of killing the Sikhs, and demoralising them through its executioner, Baba Gurbachan Singh.

We know, backed by the policy of the State, and help of the police, more and more Sikhs will be murdered for their right to protest and demonstrate against the vile attacks on their Gurus. But they will have to do it. If the peaceful means fail to bring the perpetrators and his promoters and supporters to their senses, the survival of the Sikhs will then depend on Guru Gobind Singh's words : *cu kar az hama hilte dar guzasht, halal ast burdan ba shamshir dast.*

We publish hereunder the report of the three-men Committee, consisting of former Lok Sabha Speaker and Rajasthan Governor S. Hukam Singh; S. Mehar Singh Chadha, District and Sessions Judge (Rtd.), and S. Hazara Singh, an Advocate of the Supreme Court. Let the world know what the Government means by its secularism.

On reaching Lucknow on September 30, the Committee members thought it advisable to call on the Chief Minister and the Governor to apprise them of their mission and to find out government's attitude. The Chief Minister, they found, had a prejudiced mind and an unsympathetic attitude. The Governor was courteous and polite, though he, too, had similar notions akin to those of the Chief Minister about the incident.

At Kanpur, the Committee members found out the fact which were known to leaders in the *gurdwara* and the Akali Dal.

Invitation was sent around, and daily published in papers, to anyone, with knowledge of the gruesome tragedy, to give the Committee the sequence of the events.

On October 1, the Committee members inspected the scenes and spots connected with the incident. They included the local Nirankari Bhawan and Gurdwara Gobindnagar.

Then they went to the hospital wards where the injured were being treated, and recorded the statements of all – Sikhs and Nirankaris. Some had been discharged earlier. The Committee invited them to give it facts. The houses of the survivors of the dead were also visited and facts collected.

After having scanned the evidence recorded, studied the information reports, and seen the places of occurrences, the 'Committee submitted its report'.

The Report

Gurbachan Singh, the Baba, as he is referred to, reached Kanpur at about 9.30 p.m. on 25th September, 1978, flanked by security officers with helmets on. These formed the caravan. Police and Nirankaris had collaborated together to provide more-than-needed protection force to escort Gurbachan Singh safely into the sanctum sanctorum of Nirankari Bhawan.

Frustrated at not being able to address earlier at three other places in U.P. he was anxious to speak at Kanpur. The assurance of success, with the support of authorities, was conveyed to him by one Aya Singh, who had, only a few days earlier, got his long hair cut and beard trimmed to demonstrate his spirit of 'being more loyal than the king' and confessed to us that he had brought the Baba. He conceded that he had anticipated mild protests by the Sikhs but never such developments as had occurred.

On 25th evening, the C.I.D. men had gone round to every *gurdwara*, contacted many prominent Sikhs, and made enquiries whether any outsiders and particularly the Nihangs, had arrived. They were assured that none had come. The CID people also hinted at the possibility of Gurbachan Singh visiting Kanpur and tried to know if the Sikhs had taken any decision how they would react to his presence and his addressing in the Nirankari Bhawan. They were told that the Sikhs had not taken any objection to *satsangs* which were being held regularly in the Bhawan, but if Baba Gurbachan Singh addressed the gathering, he was sure as usual, to make derogatory remarks about the Sikh Gurus and that would certainly exasperate the Sikhs.

The CID expressed satisfaction that there had been no arrivals from outside and the local Sikh community had no plans to create any trouble or take any action. This assessment, expressed orally, was the correct position. The Sikhs, or any group of them, had no consultations among themselves and had no plans at all for any demonstration even.

As mentioned already, the Nirankari Baba reached Kanpur well guarded and had entrenched himself in the Bhawan. There was enough police force, in addition to his own volunteers who too were dressed in police-type Khaki uniforms. We cannot vouchsafe, but it is a probability that late at night on the 25th September and early morning of 26th September, the Nirankari volunteers went round the city to inform every devotee of their faith, urge upon them to attend the congregation and listen to him.

There is a very big institution, Gurdwara Kirtangarh, where Hindus and Sikhs, believers in *Guru Granth Sahib* assemble together daily. This is managed and controlled by Bhai Mohan Singh, a reputed pious man who has nothing to do with politics and is respected by Hindus and Sikhs alike. In the morning routine and normal prayer meeting, some Sikhs broke the news of the arrival of Baba of Nirankaris in the town and his plans to address in the Bhawan. They thought he was sure to indulge in provocatives, and that might injure the sentiments of the Sikhs. They thought it advisable to go and try to persuade Baba to desist from such blasphemy.

After the prayers, about half a dozen persons started for Gurdwara Gobindpuri where Guru Nanak Dev's Shradh Day was being celebrated.

The few Sikhs from Kirtangarh Gurdwara joined the congregation, and apprised those present there of the planned address of Baba Gurbachan Singh. Many more showed their willingness to join in the mission. They formed into groups which actually looked like a regular procession and marched towards the Nirankari Bhawan, singing hymns and reciting "*Waheguru*". Their intention was peaceful. This is evident from the fact that they did not arm themselves with any weapon. *Women and children also joined the protesters*. There is no wonder that a very few might be wearing full *kirpans* on their persons. But that was as usual and normal religious requirement, and not as special weapon of offence then taken on. There was no weapon that was particularly acquired for that procession.

They marched on over a distance of three kilometers without interruption and *included a good number of women and children*. This fact alone should be enough proof that their intentions, as evidenced by their behaviour, were peaceful.

The police station officers version is that he got the information at 8 a.m. that a procession, armed with lethal weapons and shouting provocative slogans, was marching to the Bhawan. If this version be accepted, then an extremely relevant question arises : What did the police do to check and stop the procession?

The additional police also was sent straight to the Bhawan. This shows that the police was only anxious to attend to the punitive side and deliberately ignored the preventive aspect, which should have been attended to first.

The three-kilometer march took about an hour and a half. The procession passed through crowded bazars and frequented streets. It must have attracted many spectators also. During its march, it had to pass through a point on the road, on one side of which there *was a police station* and on the other a police post. The rank and file of police men stood on both sides of the road watching the procession, enjoying jokes, but taking no notice of the procession. The only irresistible conclusion is that either the conduct of the processionists was so peaceful that it did not warrant any notice or the police had a predetermined plan to let them fall into the trap that had been laid for them in the Nirankari Bhawan.

All gates of the Nirankari Bhawan hall had been closed from inside except one gate which was kept open. There was police force inside the hall as well as outside. As soon as the processionists reached the outer gate of the enclosure of Bhawan, they were asked not to enter. Immediately brickbats, stones as well as bullets came from the Bhawan roof, forcing the processionists to run on all sides. Some pressed their way into the Bhawan through the only gate which was at first open but was shut behind them cleverly as soon as some people ran in for shelter. Those, who had gone in, were faced with bullets and lathi charges. They must have tried to find their way out and struggled for their survival. Apparently, they were so cornered that they could not find any escape.

So naturally, they fought back with whatever they had. The outsiders faced the bullets and ran on all sides to save themselves but were chased and shot at. The police did not attend to the injured, some of whom might have been saved. Rather subsequently, those, who tried to attend to the wounded, were shot at and scared away.

It was a deliberate trap. It had been laid for the Sikhs who were tempted to fall into it by the conduct of the police. The police was so cruel and vindictive that when one Sardar Manmohan Singh, who had been hiding himself in the nearby building, came out two hours after the firing was over, believing that he could go out safely, and

was unlocking his scooter on the road to ride away for his business, was spotted and shot dead.

Such callousness on the part of police in the whole affair and their partisanship and collusion may be unparalleled.

The committee has arrived at the following conclusions :

1. The tragedy, resulting in 13 deaths and over two scores injured, could have been easily averted if the police had intended it.
2. The situation was allowed to develop unchecked until the Sikhs reached the Nirankari Bhawan where they were trapped and then shot at indiscriminately.
3. Preparations had already been made in the Bhawan where large heaps of stone pieces and brickbats were collected on the roof. These were used as missiles as soon as the Sikhs approached the Bhawan. Besides, the Nirankari volunteers were armed with lathis, fire-arms and other lethal weapons.
4. The police was not equipped with either lathis or tear gas shells, which are ordinarily pressed into service for dispersing crowds, before resorting to shooting.
5. The shooting was to kill, and not to disperse assembly or protect any human lives or property, as almost all the bullets were aimed at parts above the hips of the dead and the injured. (Normally, in such situations the police fires in the air or at the legs of the crowd).
6. The police, according to its own report, received at 8 a.m. the information that a procession was proceeding towards Nirankari Bhawan. During an interval of an hour and a half, which the police had, no magistrate was requested to be on the spot, nor was any senior police officer deputed to assess the situation and deal with it. The S.O. was left alone to take all decisions as he liked. And he had already plans ready for shoot-to-kill, as is apparent from his assistants with service revolvers and his force only with rifles of 303 calibre and nothing else.
7. The processionists had to march three kilometers, singing religious hymns, according to them, but shouting slogans, according to police. The procession passed through a point on the road, on one side of which is the police station and on the other the police post. The police rank and file, on both sides, watched the procession pass without any hitch or

hindrance, enjoyed jokes, but remained otherwise unconcerned.

8. All gates of the Bhawan Hall had been closed and bolted from inside except one, kept open. At the main gate, the processionists were only asked not to enter the hall. They insisted that they wanted to meet the Baba. The missiles from above forced them to rush on every side, and a few made their way in. No force was used to prevent them, nor was the assembly declared unlawful.

When some had been trapped in, the only gate open was closed. There was police inside the hall also.

There were volleys of brickbats on the crowd outside and murderous assault on those trapped in by using fire-arms, brickbats, lathis and other lethal weapons.

The F.I.R. filed by the Sikhs states that the *first shot was fired by Baba Gurbachan Singh from his resort*. The Sikhs found themselves cornered, with no chance of escape. Thus, in desperation, they struggled and fought back. In this struggle, the doors might have been damaged, the window panes shattered. Even a cat, so cornered becomes deadly. Those confined inside struggled to come out, those outside fought to rescue their companions trapped inside, simultaneously trying to save themselves from the bullets.

9. There were volleys of police firing without warning or any declaration of assembly as unlawful. Every Sikh fleeing or trying to find shelter was chased and fired at.
10. The police was not satisfied with such a big bag of trophies. A youngman, Sardar Manmohan singh, had hidden himself in the adjacent building. Two hours after firing had ceased, he believed that he could go out safely. He came out, and was unlocking his scooter on the road to ride away for his business, when he was spotted out and shot at. He died on the spot.
11. The police did not attend to the injured and the wounded, if only to see whether any could be saved. Rather, Those attempting to remove them for first aid were fired at and scared away.
12. There were no Nihangs or any other outsider.

A bad odour had been injected into the word 'Nihang' when there was culpable shooting of Nihangs in Haryana. This was done to give the dog a bad name and then hang it. This strategy has caught the imagination of Sikh phobes as a convenient manoeuvre

to describe every Sikh as a Nihang and present him as a scoundrel by covering him mischievously with an imaginary robe, which is not there. The press have taken this up and sustained it, some of them mischievously, others unknowingly.

13. The question of use of excessive force by the police becomes superfluous and irrelevant as revolvers and 303 rifles were the only equipment with them. This was the minimum they could press in and they did it.
14. The atrocities committed by the police were so terrifying that the Sikhs were completely paralysed and could not dare mention them even.
15. No Sikh dared to file first information report. Consequently it had to order, and all leaders were asked to sign it so that every one might be pinned down to that statement exonerating the police.
16. The whole conduct of the district authorities (police as well as civil) leads us to the belief that they thought, and acted accordingly, that the Nirankari Bhawan was their native territory, and the police force was its defence army and that this territory was threatened with invasion by an alien army (Sikhs)!

The home strategists planned to consolidate all their strength in the fortress and allow the enemy to proceed unchecked all the distance. No magistrate appeared and no senior officers cared. Rather, the forces of the territory on the way stood aside (in the police station and the police post) unconcerned. The supposed aliens reached the fortress where defending forces lay in ambush. Then it was, that the concerted attack was made to destroy the enemy. If the ambushed naives fought in desperation and caused damage, who is to blame? The district authorities completely forgot that they were the guardians of all citizens, and Nirankaris and Sikhs were both their wards. Timely preventive steps could have easily saved this catastrophe, which has been so gruesome.

Recommendation

The committee has made several recommendations which are as follows :

The Sikh processionists – men, women and children – against all odds and grave provocation, displayed a high spirit of restraint and self-sacrifice. Some of them had to make supreme sacrifice of

their lives by braving the bullets of the police as well as the Nirankaris while some others were permanently disabled.

Two youngmen have become martyrs, leaving behind two young widows who are M.As. and in their early twenties and have small children.

The committee ventures to suggest that some immediate suitable arrangements be made:

- (a) for the gainful employment of these two young ladies;
- (b) for proper up-bringing of the children of these two young widows and thereafter for their free education;
- (c) to render every possible help, medical and other, to the injured,
- (d) to compensate the affected for the injuries/disability/losses suffered.

The third killing of Sikhs by the police on 6th November 1978, at Delhi, puts a seal of confirmation on Government plan to demoralize the Sikhs, so as to beat all self-respect out of them with a view to stifle the growing demand of Sikh Homeland – such a policy of the Government instead of stifling the voice will make the feeling grow stronger in each Sikh, the need of Sikh Homeland.

Appendix-12

Singh Sahib Harbhajan Singh Yogi on Nirankari Episode

Martyrs of Amritsar

Stirring Address by Siri Singh Sahib Harbhajan Singh Khalsa Yogi, at bhog ceremony of akhand path, Guru Ram Das Ashram, Los Angeles, California on April 22, 1978.

*Wahe Guru ji ka Khalsa.
Wahe Guru ji ki Fateh!*

As as body of the Khalsa in the Western World, we stand today in reverence before the *Siri Guru Granth Sahib* that we are one with that body of the Khalsa out of which 17 members have laid down their lives.

The time has come when we have to decide absolutely cut and dried. In this situation, there is no longer a privilege of anybody to fool around. The martyrs of Amritsar have laid down a clear cut policy. There was a time (at the time of Banda Bahadur) when there was a '*Tat Khalsa*' and a '*Bandhai Khalsa*'. And exactly now, there exists a 'political Khalsa' and there is a *Guru ka Khalsa*. Politicians are politicians, and they have no morals, because their moral is the Power. But, with the Khalsa of the Guru, it is the Guru:

*'jahan jahan Khalsa Sahib,
taha taha rachhia rahait'.*

It is not that these martyrs have died. Actually, it is that *Work has begun now*. Work has begun. Not only has this thing happened in Amritsar, but in New York today, people wearing the *bana* of the Khalsa pretentiously, tried to pass a resolution that the Khalsa in the Western World are not even Sikhs! So, don't live in any misunderstanding. It is God's will and it is Guru's task. Work has begun now. The history of the Khalsa is before you. Alert yourself and stop flirting yourself. Time has come now to repeat every page

of the history; you sing a Song of the Khalsa, and in India they have proved it. They 'died before they fell'. When 'things were down and darkest', they 'walked tallest'.

It is a most unfortunate day in the history of the Khalsa. We have in the Punjab our Ministry; we have our Government; we have our majority. And people have been killed in a most merciless manner. Now things will be covered up. Truth will be totally covered. And this is a very unusual situation which we have to stand. That is why we have sent three representatives to India from here. But there is nothing to investigate. It is a simple fact to find out, and every heart knows what they are doing to us in America, what they are doing to us in Canada, what they tried to do to us in England; and wherever they are, these *patits* are going to attack us. They may look like Sikhs of the Guru, but their heart is not for the Guru. You can call them anything; they are chips of the same block. Their dedication is not towards the Guru, their dedication is their personal glorification and personal earthly power.

The blood of these Martyrs of Amritsar shall not go to waste. It is what they call: 'The Start of the History', which shall end in victory of the Khalsa. I congratulate the Punjab Ministry for giving the Khalsa the chance to face this beautiful, wonderful, sacrificial death. I congratulate the so-called Sikh leaders, that today, we know Khalsa is not safe in the hands of the politicians. Today we know the hypocrites for their personal advantages and usages are using the Name of the Guru.

In the worst time of the history, this kind of massacre has never happened. Therefore, whosoever you are here, try to understand that the time has come to leave everything aside. And, to organize not the bodies, but the spirit; so that wherever the Khalsa is, it should be the oneness in the name of the father, Guru Gobind Singh. Numbers do not count now. The oneness of the spirit will count.

Today I read the newspaper report in which it was said, 'a body of the fanatic Sikhs...'. If doing a *kirtan* and defending the good name of our father Guru Gobind Singh makes us fanatics, we welcome this allegation. Remember, those who do not defend the grace of their father are never worthy of any respect on the earth. These martyrs of Amritsar have shown us that we shall live in grace; if it is not possible, we choose to die in grace.

We shall be doing whatever is in our mind and heart for these people who were part of us, and we want to tell the whole world, we are part of them. This *akhand path* which we have done as a prayer for the departing souls shall always remind us that Khalsa has to live

in unity and with the grace of Guru Gobind Singh. There is no other way. All other ways are false.

Those people who were saying in the past, 'if we have our government, if we have our ministries, if we will be in power – political power – , Khalsa shall flourish', they have proven to be wrong. We have the ministry; we have this honourable Chief Minister of Punjab who calls himself Akali; we have all these 'friends'; it is a majority Akali ministry, and that is where this massacre has happened! People have been killed mercilessly because they went in peace to protest against the insulting remarks given to our heavenly father, Guru Gobind Singh. What they have done was rightfully that act of every Khalsa. The death they have faced is the fightful death of every Khalsa, and we shall record this day as the beginning of the day: *work has started*. Water shall become water, and milk shall become milk. Those who believe in Guru Gobind Singh are the true sons and daughters, and they shall fall in line wherever they are. And those who are using this *bana* for motivation and exploitation and for earthly purposes, these false ones will fall and shall not only be condemned by the heavens but they shall be condemned on this earth by their own consciousness.

Remember we are standing today on crossroads. Those who believe, shall follow the path. Those who don't, shall falter.

May I ask you to remember these martyrs and also the history. We have never lacked. Our history is so beautiful and gracious, it has never let us forget for a moment who we are. Today, I assure you, political power is not the safeguard of the Khalsa; it is the spiritual power and the flow of the spirit. In the name of Guru Gobind Singh I ask every Khalsa wherever they may be to unite and to act so that we may not allow the repetition of such an inhuman act.

We today send our love and affections, and we today send our prayers, and we today send the vibration through the Holy *Siri Guru Granth Sahib* to the departed souls of the Khalsa. And we today assure them that wherever we shall be, they shall live in our memory and shall shine as guiding stars on this entire hemisphere. And we will not let their blood go to waste. Let us not forget this day. What Guru Gobind Singh said.

*jab lag Khalsa rahe niara.
tab lag tej dio mai sara,
jab eh gahai biparan ki rit.
mai na karo in ki partit.*

Let us be who we are and let us not follow these earthly attachments.

Remember these people have laid down their lives to prove it to you that political power is a false shelter. What has happened has happened to prove that dark forces are attacking; and it is the radiance given to us by our Heavenly Father which shall be our real protection. So wherever you are, and whatever you are, stand up as a Body of the Khalsa, limb to limb, person to person, place to place, and tell the whole world what an injustice has happened.

We are trying to contribute through all means at our disposal to comfort those who have been left by these departed souls. They are as dear to us as our own kith and kin. We on this day feel the *sameness* of the body, of the spirit and we record this day as the day of the Martyrs of Amritsar.

We shall always remember them in our prayer. May Guru bless them for their courage. They fit in *truly* on the Song of the Khalsa, and we shall always sing it in their praise.

Also, this day we dedicate to raise our children in the spirit of the Khalsa so they may not end up *not* living to our history and our tradition. Remember that earthly and worldly relationships are not true. It is the relationship of the spirit which shall mean everything and anything to us.

*Wahe guru ji ka Khalsa.
Wahe guru ji ki fateh!*

Hukam taken at *bhog* ceremony of *akhand path* held in honour of the memory of the martyrs of Amritsar is listed below :

“Meditating on the Master, the sins are destroyed; peace and bliss naturally come to abide in the man.

“The Lord’s slaves have faith in the Lord. Repeating God’s Name, all their anxieties are vanquished.

“In the company of the disciplined ones, there is neither fear nor doubt. The praises of God are sung day and night.

“Showing His mercy, God has freed me of my fetters, and has given me the support of His lotus feet.

“Says Nanak, faith comes into the mind; God’s servant drinks the pure praises of the Lord.

(*Gauri:5th Channel*, p. 646 – Translated by Manmohan Singh).

Appendix-13

Martyrs of Baisakhi 1978

Why The Martyrs of Amritsar Sacrificed Themselves?

— SARDARNI SAHIBA RAM DAS KAUR KHALSA (USA)

We have heard the story of the Martyrs of Amritsar. We have felt the surge of pain and pride upon hearing of their sacrifice. And we are left standing in ourselves wondering at the workings of the Creator, and wondering of the greatness of these Saint-Soldiers. Why did these men among men walk unto death with joy in their hearts and the Name on their lips? Why did these beloved of God run to defend the honour and integrity of their father, Guru Gobind Singh and their Guru, *Siri Guru Granth Sahib*? Surely, the Name and fame of guru Gobind Singh needs no defense. All know of his greatness. Surely, the word of God and Truth of Truth stands unto itself infinite and indescribable. What can slander do to the word of God, which is above purity and impurity – Truth it was, Truth it is and Truth it ever shall be. What power drew them on their final mission?...LOVE.

*guru meri puja gur gobind.
guru mera parbrahma gur bhagwant
(Gond M. 5.)*

I worship only my Guru. My Guru is himself the Lord. My Guru is the Transcendent Lord and my Guru, the Auspicious Master.

The Martyrs of Amritsar had already died. They had long ago given their heads to the Guru. They belonged to the Guru. When the call for a head came, they had already given it. They were merged into Khalsa. The Guru was in them and they in the Guru. They lived in *ang sang waheguru*. Their father, their seed, their lifeblood was Guru Gobind Singh.

*vahu vahu gobind singh ape guru chela.
“Hail, Hail unto Gobind Singh, the Guru and disciple are one.”*

Singh. We are linked through the Khalsa Spirit to those great souls.

It is painful that mankind needs disaster to bring about its unity. It is painful to have to see the death of righteous beings before we begin to live righteously. But, it is the negativity which creates positivity. God has planted the roots of the pure, beautiful lotus in the mud. And, out of the trampled, exploited masses rose the Khalsa. From the martyrdom of Guru Arjan Dev through the Martyrs of Amritsar are many known and unknown, who have given themselves to the cause of Truth. They are our examples of devotion and divinity, courage and conviction, dignity and nobility. Because of love and obedience to their Guru, they live among us today in the hearts of millions, to inspire us by their virtues.

The story of the Martyrs of Amritsar is the story of the devotee and the Beloved:

*guru guru gur kari man mor.
guru bina mai nahi hor.*

"O my soul, think of the Guru, the Great Guru.

Without the Guru, I have not another."

Out of love for their Guru these beings obeyed every command, by Guru's Grace, and reached the highest level of consciousness: **SACRIFICE!** "Those who perfectly obeyed became perfect before God." And in perfection of obedience they lived in ecstasy, because "obedience is the first law of ecstasy". God arranges the affairs of all his servants. Drawn to their radiance and purity, God came to live in them, and blessed them with immortality. Righteousness knows no death:

*marta marta jag mua mar bhi na jane koi
aisi marni jo mare bahur na marna hoi*
(*Slok Kabir*)

"Dying, dying everyone dies in one's turn.

But no one knows how to die.

Whosoever dies let him die such a death
that he may not have to die again."

(*Slok Kabir*)

God blessed the Martyrs of Amritsar with the opportunity to stand for Truth with all their hair "till their last breath". They gave

Singh. We are linked through the Khalsa Spirit to those great souls.

It is painful that mankind needs disaster to bring about its unity. It is painful to have to see the death of righteous beings before we begin to live righteously. But, it is the negativity which creates positivity. God has planted the roots of the pure, beautiful lotus in the mud. And, out of the trampled, exploited masses rose the Khalsa. From the martyrdom of Guru Arjan Dev through the Martyrs of Amritsar are many known and unknown, who have given themselves to the cause of Truth. They are our examples of devotion and divinity, courage and conviction, dignity and nobility. Because of love and obedience to their Guru, they live among us today in the hearts of millions, to inspire us by their virtues.

The story of the Martyrs of Amritsar is the story of the devotee and the Beloved:

*guru guru gur kari man mor.
guru bina mai nahi hor.*

"O my soul, think of the Guru, the Great Guru.

Without the Guru, I have not another."

Out of love for their Guru these beings obeyed every command, by Guru's Grace, and reached the highest level of consciousness: **SACRIFICE!** "Those who perfectly obeyed became perfect before God." And in perfection of obedience they lived in ecstasy, because "obedience is the first law of ecstasy". God arranges the affairs of all his servants. Drawn to their radiance and purity, God came to live in them, and blessed them with immortality. Righteousness knows no death:

*marta marta jag mua mar bhi na jane koi
aisi marni jo mare bahur na marna hoi*
(*Slok Kabir*)

"Dying, dying everyone dies in one's turn.

But no one knows how to die.

Whosoever dies let him die such a death
that he may not have to die again."

(*Slok Kabir*)

God blessed the Martyrs of Amritsar with the opportunity to stand for Truth with all their hair "till their last breath". They gave

Appendix-14

Nirankari Samagam at Delhi

Calculated Zulam of Delhi Administration & Police on Sikhs -- A Sordid story of Breach of Faith, Brutalities and Hooliganism

WHILE dealing with Sikhs, who were peacefully demonstrating against the government's permission to Gurbachan Singh of Sant Nirankari Mandal to hold his *samagam* at a public place like India Gate grounds in the Indian capital, on November 4, 5 and 6, Delhi police was guilty of many crimes, some of them unimaginable.

It desecrated the historic gurdwara of Bangla Sahib by lobbing dozens of teargas shells into its holy precincts and by sending its men, with arms and uniform and boots on, into the shrine. How could Sikhs tolerate such a sacrilege? It pelted stones at the congregation outside the gurdwara and fired 45 rounds without any provocation, killing at least three persons and wounding more than 100. It burst teargas shells into police vans where Sikh demonstrators were huddled together after their arrest and, thereby, deliberately killed Jathedar Avtar Singh Kohli – a thing which amounted to cold-blooded murder. It imposed a 24-hour curfew for full three days in the areas around Gurdwaras Bangla Sahib and Rakabganj, thus preventing devotees from worshipping at the shrines. Above all, the Delhi Police Commissioner did not keep his own promises made to the Akali leaders, and began wholesale arrests of those who had been asking the Sikhs, from public platforms and through posters, to keep peace despite provocations.

This indictment has been made by a five man panel which was appointed by the SGPC and Delhi Sikh Gurdwara Management Committee to go into all aspects of the tragedy. It was headed by former Lok Sabha Speaker and Rajasthan Governor Hukam Singh. The report was released to the press.

This is the first time in independent India that such a reign of terror was unleashed against the Sikhs. Anyone with a Sikh appearance, i.e. with a beard and *keshas*, was hauled up indiscriminately. This

brought back to memory the dark days of Farukhsiyar and Zakria Khan, when there was a price fixed on the head of a Sikh with beard and *keshas* and when orders were issued to behead a Sikh wherever spotted.

False cases have been filed against numerous innocent Sikhs.

Gurdwara Bangla Sahib was turned into a gas chamber, with genuine devotees, men, women and children, entrapped by gas inside and firing outside. This reminded Sikhs of Hitler's gas chambers in Poland during the Second World War.

A mini "Black Hole" was re-enacted when 28 youngmen, arrested from their business premises in Mayapuri, were confined in a small room, measuring 10 feet by 8 feet, in Delhi Cant. police station for the whole night. There was not enough room even for sitting. They took turns, some standing by the walls and the others sitting. At the outset, there was no provision for passing urine. And, later, when one piss pot was provided, it began overflowing in the dungeon. When some people could not resist passing stools in this pot, the spill-over became unbearable.

Even veteran Sikh leaders, who were rounded up on November 5, were kept squatting in the open outside Tihar jail. Three Sikhs were killed while several dozens had bullet wounds in their chests.

No doubt, there was destruction of property. But this was the handiwork of people hired by the authorities to defame the peaceful Sikh demonstrators. One positive proof of the conspiracy is this : The police alleged that some Sikhs attacked their force with drawn swords, and photos were supplied to the press and duly published, but none of these miscreants has been arrested so far, not to speak of being tried in a court of law.

For the killings, destruction of property, and the general melee of those three days, thoughtlessness and excessive zeal shown by the police is entirely responsible.

Delhi Sikh Gurdwara President, Jaswant Singh Sethi, along with his colleagues and secretaries, had met Lt.-Governor Kohli and Police Commissioner Chaturvedi seven days before and assured them that the protest by Sikhs would be completely peaceful unless, of course, the police provoked the crowds or unnecessarily disturbed or polluted the harmony. The understanding reached with the authorities included the following points :

- (1) *Jathas* would march on November 5 from Bangla Sahib upto Windsor Place, unchecked, undisturbed and unmolested.
- (2) Each *jatha* of 11, would be arrested as it reached Windsor

Place, and transported in a van to police lock up. Sufficient number of vans would be kept ready.

On D-day, November 5, a diwan was held outside Gurdwara Bangla Sahib so that genuine worshippers would not be disturbed. It was meant for those who voluntarily wanted to participate in the proceedings for the peaceful protest.

As announced, *jathas* began marching toward Windsor Place at about 11 a.m. that day.

The Central Reserve Police contingents surrounded Bangla Sahib from three sides. Even a slogan or a stray incident of stone throwing was answered with burst of teargas shells, and even firing by the police.

Appendix-15

Lala Jagat Narain's Statement in Nirankari Case

Sessions Case No. 31 of 1978

Sessions Trial No. 38 of 1978

FIR No. 88 Dt. 13.4.78. PSD, Division, Amritsar

State Vs. Baba Gurbachan Singh

Statement of Jagat Narain son of L. Lakhhi Dass s/o Jai Gopal aged 80 yrs. Editor, Hind Samachar and Punjab Kesri, Jullundur and Also Editor of Jagbani, Jullundur, DW on SA.

I have no connection with any political party.

On 13.4.1978 I had visited Amritsar. I was to attend one function in Jallianwala Bagh Amritsar on that day and I had been invited to attend the Narankari smagam to be held there and I was to address the Samagam at 4.30 P.M. on that day at Amritsar. On that day I left Jullundur for Amritsar at about 1 P.M. or 1.05 P.M. and reached Hall Gate Amritsar some 10 minutes before 3 P.M. So thereafter after taking my correspondent Mr. Soni with me I went to Jallianwala Bagh. We came out from Jallianwalla Bagh at about 4 or 4.15 P.M. There I learnt about the clash in which about 7 persons had lost their lives and some 60 persons had been injured. From Jallianwalla Bagh we went to the place which probably was Gandhi Ground where Narankari Samagam was to be held. I am not definite about the place where the Smagam was held. We are at a distance of about 1 furlong behind the place where Samagam was being held when the cars of the D.C. and the SSP. reached near my car. They stopped their cars and came out. The Deputy Commissioner expressed his shock over the incident to me. Thereafter I went to the gate where the Samagam was being held. Gobind Singh acced. present in the court today is known to me since the year 1952. While attending outside the gate I could not notice any one acquainted to me and consequently I asked some one to call out Gobind Singh. After 3/4 minutes Gobind Singh accused came out and met me. It happened to be about 5 P.M. or 4.45 P.M. at that time.

Gobind Singh accd. was offended and he chided me about the lectures delivered by me about the treatment required and being meted out to the minorities. We then went to Guru Tegh Bahadur Hospital Amritsar. I came back from Amritsar at about 9 P.M.

About the above incident I had written editorial. The procedure which is adopted in the preparation of the manuscript is that I dictate to the Editor who then passes it on to the Calligrapher. The original manuscript is destroyed on the same day after the same is printed and published. The printed material is not put before me to find out if the same is in accordance with the dictation given by me. The proof is also not shown to me and the same is rather checked by the Editor.

Q. After having a look at the Editorial published in the Daily Hind Samachar dt. 16.4.78 which you have brought with you can you say that this was the Editorial which you had dictated to the Editor?

Ans. This question which is directed to prove the truth of the account given in the Editorial shown to the witness cannot be got proved from the witness in view of the law laid down in 1969 Criminal Appeals Report 45 and (1979) 2 Supreme court cases 8 and is disallowed.

Editorial shown to me is printed material. (The answer that the Editorial shown to the witness was printed material was given to the question put by the court as the witness had earlier on having been directly questioned has stated he had not gone through the printed material). The written material is sent to the Calligraphist who before the matter is finally printed and it is only after the proof is okayed that the material is printed but the proof in question was not put before me personally for going through it. The proof in question was okayed by me before it was printed (this answer was given by the witness to the question put to him as to who had read this proof). The proof is also destroyed after material is printed.

Q. Now that you claim to have read the proof before the Editorial dictated by you was printed can you say after having a look at the Editorial published in the Daily Hind Samachar dt. 16-4-78., that it was the same?

Ans: Ex. DX is the same Editorial (subject to objection relating to the mode of proof which shall be decided by the trial court) which was dictated by me to the Editor. I am the Printer and Publisher of the daily Hind Samachar, Jullundur.

Cross Examination by Mr. Boparai Special Public Prosecutor on behalf of the prosecution.

I joined active Politics in the year, 1921 on the call given by Mahatma Gandhi. I was a member of the Indian National Congress. I do not recall if the Indian National Congress had Passed any Resolution for carving out states on the basis of language after independent of the country. After the independence of India the Shromany Akali Dal did launch agitation claiming state on linguistic basis. I did oppose the demand of the Punjabi Suba by the Akalis as I stood for Greater Pun. The above referred demand made by the Shiromani Akali Dal was for the formation of Punjabi Suba on linguistic basis. It is a fact that I was the member of the Indian National Congress when the Congress evolved the Regional Formula. I however, had opposed the said Formula. It is incorrect that on account of my opposition to the Regional Formula I was sacked from the Congress party. In fact I had myself tendered the resignation on another issue but not on this issue. In the year, 1952 I was elected as a member of the States Legislature on Congress ticket. I did not join the Kairon Ministry formed thereafter. Of course I was a member of the Cabinet Cabinet in the Sachar Ministry when Mr. Partap Singh Kairon was also a Minister. It is incorrect that I had to quit before the completion of the term of that Sachar Ministry and rather the whole Council of Ministers had resigned. I quit the Congress Party in the year 1956. I did participate in Hindi Rakshaw Samiti Agitation. I did advocate and propagate calling upon all the Hindus of Punjab to state Hindi as their mother tongue by way of speeches and through the Press. Of course at the same time I did advocate that Punjabi was our spoken language and mother tongue for that purpose. It is a fact that my spoken mother tongue is Punjabi. It is also a fact that in the application form I had shown Hindi to be my mother tongue. It is incorrect that I had wrongly mentioned my mother tongue to be Hindi in the column of the form so that Punjabi Suba may not be formed. I claim Hindi to be my mother tongue as all our Granth Sahib are in Hindi and I am an Arya Samajist. There is no scripture in any Granth of Arya Samajist ordaining that in case Punjabi is the mother tongue of a person he has to disown it. At the same time however, there are scriptures in the Granths that for proper obeisance Hindi would be the language of an Arya Samajist. I cannot quote any such scriptures from any Granth. It is incorrect that in the daily Hindsamachar dated 21.10.65 in the Editorial I had emphatically stated that despite of the fact that Punjabi was my mother tongue I had falsely mentioned in the relevant column of the form claiming

Hindi to be my mother tongue so that the Punjabi Suba was not formed. I have brought the summoned newspapers.

It is a fact that one Sohanlal of Jullundur had filed a complaint against me for defamation. It is incorrect that I was convicted and sentenced to pay Rs. 500/- as fine in that complaint. Rather the fine imposed was Rs. 25/-. I had been falsely implicated in that case.

It is a fact that I remained in detention in the year, 1957 in connection with the Hindi Agitation and not under the Preventive Detention Act. I do not recollect if any grounds of detention were served on me at the time of my detention. I had not challenged the said detention in any court, we had decided to approach the courts.

It is incorrect that I had been detained in the year, 1957 on account of my propagating communal hatred. It is a fact that in the year 1966 when Punjabi Suba was declared I had been detained for one day and let off on the other day as I was against the partition of Punjab. I have not reconciled with the formation of the Punjabi Suba even till date.

I commenced publishing Daily Jag Bani a Punjabi Newspaper from Jullundur with effect from 13.7.1978. It is only the rival group of newspapers that levelled false allegations against me for my having commenced publication of Daily Jag Bani on having received huge amounts from the Narankaris for propagating their case in the Paper. I did not institute any complaint nor did I institute any civil suit for damages against any of the newspapers levelling such allegations against me as I treated the same to be gutter press. In the Editorials published by me in the Daily Hind Samachar Dt. 16.4.78 to 24.4.78 I did not accuse that the investigation in the present case against the Narankaris was not being properly conducted or was biased and has rather confined to the demand of a judicial enquiry. Of course I kept writing Editorials from 16-4-78 to 24-4-78 about this very episode. It is a fact that in the editorial published in the Daily Hind Samachar dated 20-4-78 I had written that it is not justice as the police which is investigating at present is partial and only Narankari leaders and workers have been arrested and so far no one from Bhindranwale Group nor any one from Randhir Singh Group nor anyone from the Akali Group had been arrested nor any efforts had been made in the direction. It is also a fact that in the later part of the same Editorial I had written that so far the police investigation at Amritsar has been one-sided and no one from the opposite side had been arrested and this action on the part of the Punjab Govt. has caused great shock and resentment in the minorities posing a question as to what was the Akali-Janta Govt. which had been installed on an understanding

that it would give equal justice to all. I do treat Nirankaris to be a minority community and they also claim to be so. I also treat Hindus as a minority in Punjab, in Punjab I consider Sikh to be a majority community.

I have been claiming that the Nirankaris have been shably treated in this case. It is incorrect that I have been asking the Hindus to advocate the cause of the Nirankaris and it is incorrect that all the Editorials in question were written by me in the suggested background. It is also a fact that in the said Editorial published in the Daily Hind Samachar dated 20.4.78 I had written that in case no judicial enquiry is held the matter there would be resentment and shock in the minorities in Punjab which include Hindus as well and they would lose their faith in justice. This was because of the magnitude of the incident. I had written the Editorials in the same strain subsequently also. It is a fact that in the Editorial published by me in the daily Hind Samachar Jullundur Dt. 21.4.78, I had claimed "The Govt. cannot deny this fact till date that whatever steps have been taken or police investigation has been conducted the same is thoroughly one-sided despite of the fact that in the state press note it had been mentioned that there was a clash between the Nirankaris and the followers of Sant Bhindranwale. It was unheard of and unseen that where two or more two parties clash only the members of one party are arrested and the searches conducted also relate to the memebers of the same party. I was not present at the spot at the time of the occurrence. I have had the talk with Gobind Singh accd. for about 2/3 minutes only. I have already stated about the extent of the talk which Gobind Singh had with me at that time in the examination-in-chief and nothing has been left out. After the said talk lasting for 2/3 minutes Gobind Singh accused has been seen by me only today in the court.

Gobind Singh accd. never told me that those who had died at the spot were killed as a result of the bullets fired by the police. Gobind Singh had not told me that the Nirankaris had remained peaceful and the persons belonging to the opposite camp who died were probably killed by the bullets fired by the police. Again said it is a fact the in the Editorial in question dt. 18.4.78, I had written that a representative of Nirankari Mission Punjab Sh. Gobind Singh represents that the Nirankaris remained peaceful and the persons who died from the opposite camp were probably killed with the bullets fired by the police. This was quoted by me with reference to the news item in the *Tribune*. It is incorrect that I coined reasons and explanation and stories to support the cause of Nirankaris in the

that it would give equal justice to all. I do treat Nirankaris to be a minority community and they also claim to be so. I also treat Hindus as a minority in Punjab, in Punjab I consider Sikh to be a majority community.

I have been claiming that the Nirankaris have been shably treated in this case. It is incorrect that I have been asking the Hindus to advocate the cause of the Nirankaris and it is incorrect that all the Editorials in question were written by me in the suggested background. It is also a fact that in the said Editorial published in the Daily Hind Samachar dated 20.4.78 I had written that in case no judicial enquiry is held the matter there would be resentment and shock in the minorities in Punjab which include Hindus as well and they would lose their faith in justice. This was because of the magnitude of the incident. I had written the Editorials in the same strain subsequently also. It is a fact that in the Editorial published by me in the daily Hind Samachar Jullundur Dt. 21.4.78, I had claimed "The Govt. cannot deny this fact till date that whatever steps have been taken or police investigation has been conducted the same is thoroughly one-sided despite of the fact that in the state press note it had been mentioned that there was a clash between the Nirankaris and the followers of Sant Bhindranwale. It was unheard of and unseen that where two or more two parties clash only the members of one party are arrested and the searches conducted also relate to the memebers of the same party. I was not present at the spot at the time of the occurrence. I have had the talk with Gobind Singh accd. for about 2/3 minutes only. I have already stated about the extent of the talk which Gobind Singh had with me at that time in the examination-in-chief and nothing has been left out. After the said talk lasting for 2/3 minutes Gobind Singh accused has been seen by me only today in the court.

Gobind Singh accd. never told me that those who had died at the spot were killed as a result of the bullets fired by the police. Gobind Singh had not told me that the Nirankaris had remained peaceful and the persons belonging to the opposite camp who died were probably killed by the bullets fired by the police. Again said it is a fact the in the Editorial in question dt. 18.4.78, I had written that a representative of Nirankari Mission Punjab Sh. Gobind Singh represents that the Nirankaris remained peaceful and the persons who died from the opposite camp were probably killed with the bullets fired by the police. This was quoted by me with reference to the news item in the *Tribune*. It is incorrect that I coined reasons and explanation and stories to support the cause of Nirankaris in the

Appendix-16

Akali Demands

ANNEXURE I

List of 45 Demands Received from the Akali Dal by the Government in September, 1981

A. RELIGIOUS

1. Interference in religious affairs of Sikhs.
2. No endeavours by the Government for Sikh control over the Management of Gurdwaras in Pakistan.
3. Apathy towards safety of life and property of Sikhs settled abroad and in other States of India.
4. Forceable occupation of the Delhi Gurdwaras in 1971.
5. Applying Land Ceiling Act to Gurudwaras in Haryana.
6. Failure to name any train as Golden Temple Express while 15 trains have been named after other religious places.
7. Delay in awarding Holy City Status to Amritsar.
8. Not permitting installation of a transmitter in Golden Temple.
9. Not enacting the All India Gurdwaras Act.
10. Not recognising SGPC as the only representative institution of the Sikhs.
11. Usurping the SGPC's authority in the field of sending pilgrims to Pakistan.
12. Interfering in the Sikh tenets and violating the sanctity of Sikh traditions.
13. Illegal and forcible occupation of Delhi Gurdwaras with the help of the police.
14. Restrictions on carrying of Kirpans (swords) by Sikhs in the National Airlines.

P. POLITICAL

1. Violation of the assurance given to Sikhs for an autonomous region and instead declaring Sikhs as criminal.
2. Ban on 'Punjabi Suba' slogan.
3. Keeping out Chandigarh and other Punjabi - speaking areas out of Punjab and taking away control of water head-works and river water distribution.
4. Denial of internal autonomy to the State.
5. Toppling of Akali Governments through illegal corrupt practice.
6. Denial of second language status to Punjabi in neighbouring States.
7. Expressing lack of confidence in Punjabis and disarming them by withdrawing licensed arms.
8. Rejecting the Anandpur Sahib Resolution and following a policy of divide and rule by inciting communal tensions.

C. ECONOMIC

1. Reduction in the recruitment quota of Sikhs in armed forces from 20 per cent to 2 per cent.
2. Nationalising of the Punjab & Sind Bank.
3. Failure to establish dry port at Amritsar.
4. Grant of minimum central aid to Punjab.
5. Concentration of economic power in the hands of 5 per cent people.
6. Economic exploitation of Punjab.
7. Increase in prices.
8. Paucity of heavy industries in Punjab.
9. Eviction of Punjabi farmers from Uttar Pradesh.
10. Fixation of land ceiling at 7 hectares, but no ceiling on urban property.
11. Not introducing group insurance scheme in Punjab.
12. Denial of loans to farmers at the rates given to industrialists.
13. Non-remunerative prices for agricultural produce.
14. Procuring agricultural produce at cheap rates but selling the same to consumers at higher prices.

15. Failure to safeguard the rights of Harijans and other weaker sections.
16. Non-payment of compensation to the victims of Indo-Pak wars in Punjab.
17. Non-payment of unemployment allowance.
18. Linking of production to the price index.
19. Denial of facilities to farmers and workers under the Employment Insurance Scheme.
20. Forcible acquisition of urban agricultural land at cheap rates.
21. Ban on the sale of rural land within the 5 Kms. radius of the corporation limits.

D. SOCIAL

1. Non-recognition of the Sikh Personal Law.
 2. Projecting Sikhs in improper way in films and TV etc., encouraging anti-Sikh literature and not giving sufficient time for coverage of Sikh literature on Radio/TV.
-

ANNEXURE II

Revised List of 15 Demands Received from the Akali Dal by Government in October, 1981

RELIGIOUS DEMANDS

1. Unconditional release of Sant Jarnail Singh Bhindranwale and judicial enquiry with regard to police action in connection with Delhi Rally (September 7), Chowk Mehta and Chando Kalan.
2. Removal of alleged Government high-handedness in the management of Delhi Gurdwaras, holding of democratic elections after removal of forcible control by "one of Government's stooges".
3. Restoration of the SGPC's right to send pilgrim parties to Pakistan and deploy sewadars for the maintenance of local Sikh shrines.

POLITICAL,
ECONOMIC
AND
CULTURAL
DEMANDS

4. Permission to Sikhs travelling by air to wear kirpans in domestic and international flights.
5. An All India Gurdwaras Act should be passed.
6. Grant of holy city status to Amritsar on the pattern of Hardwar, Kurukshetra and Kashi.
7. Installation of "Harmandir Radio" at Golden Temple, Amritsar to relay kirtan.
8. Renaming Flying Mail as Harmandir Express.
9. As per the Anandpur Sahib Resolution, the S.A. Dal is firmly convinced that progress of States would entail prosperity of the Centre, for which suitable amendments should be made in the Constitution to give more rights and provincial autonomy to States. The Centre should retain Foreign Affairs, Defence, Currency and Communications (including means of transport), while the remaining portfolios should be with the States. Besides, the Sikhs should enjoy special rights as a nation.
10. Merger of Punjabi-speaking areas and Chandigarh into Punjab.
11. Handing over of dams and headworks in the State to Punjab and re-distribution of river waters as per national and international rules.
12. Second language status to Punjabi language in Haryana, Delhi, Himachal Pradesh and Rajasthan.
13. Stoppage of uprooting of Punjabi farmers from Terai area of U.P.
14. Setting up of a dry port at Amritsar.
15. A licence should be granted for a New Bank in place of the Punjab and Sind Bank, which should be under Sikh control and remunerative price should be fixed for agricultural products by linking it to the index of industrial production.

Appendix-17

Akali Demands and Government Response

Demands Of The Shiromani Akali Dal And Government Response

The agitation started by the Akali Dal was originally in support of a set of demands. In September 1981 the Akali Dal forwarded to the Government a list of 45 demands (Annexure I). In October 1981 they submitted a revised list of 15 demands (Annexure II).

2. Some of these demands had their origin in a resolution adopted by the Akali Dal at a meeting held at Anandpur Sahib on October 16 and 17, 1973, generally known as the Anandpur Sahib Resolution. This Resolution *inter alia* states:

“The areas which have been taken away from Punjab or have been intentionally kept apart e.g. Dalhousie from District Gurdaspur, Chandigarh, Pinjore, Kalka and Ambala City in District Ambala, whole Una Tehsil¹ of Hoshiarpur district, Desh Illaqa² of Nalagarh, Shahbad block of district Karnal, sub Tehsils of Guhla and Tohana, Rattia Block of District Hissar and Sirsa Tehsil, 6 Tehsils of District Ganganagar of Rajasthan and the contiguous Punjabi speaking Sikh-populated areas, should be immediately merged with Punjab under one administrative unit.”

The Resolution further states:

“In this new Punjab, the Central intervention should be restricted to Defence, Foreign Affairs, Posts and Telegraphs, Currency and Railways.”

3. A different version of the Anandpur Sahib Resolution was put forth by the Akali Dal (Talwandi Group) at a World Sikh

¹ An administrative unit of a district.

² Area.

Convention in Anandpur Sahib in April 1981. This Resolution states *inter alia*:

"An Autonomous Region in the North of India should be set up forthwith wherein the Sikhs' interests are constitutionally recognised as of primary and special importance."

and

"The Sikh Autonomous Region may be conceded and declared as entitled to frame its own Constitution and basis of having all powers to and from itself except foreign relations, defence and general communications."

4. Yet another version of the Anandpur Sahib Resolution authenticated by Sant Harchand Singh Longowal, president of the Akali Dal, was issued in November 1982 (Annexure III). This version asks for the merger of all Punjabi - speaking areas "to constitute a single administrative unit where the interests of Sikhs and Sikhism are specially protected".

5. On receipt of the Akali Dal's demands, the Prime Minister invited representatives of the Akali Dal to a meeting on October 16, 1981. Thereafter the Prime Minister met them again on two occasions in November 1981 and April 1982. The process of consultation and discussion has not been interrupted by the Government since then. There have been several rounds of talks between representatives of Government and the Akali Dal leaders, both open and secret as well as tripartite discussions in which leaders of Opposition parties in Parliament also participated (Annexure IV).

6. Throughout these discussions Government's attitude was, as the Prime Minister said in her broadcast to the nation on June 2, 1984, one of accommodation of all reasonable demands. Government did not approach the negotiations in any narrow party interest. The larger national considerations of preserving the unity and integrity of the country were the guiding principles followed by Government. Wherever the demands did not involve other States or where they could be integrated into a wider framework, there was no hesitation in accepting them.

7. The main issues discussed with the Akali Dal representatives fall into three broad categories, *viz.*,

- (i) those which concern the Sikh community as a religious group,
- (ii) those which relate to other States besides Punjab, and
- (iii) general issues.

(i) Demands which concern the Sikh community as a religious group

8. The religious demands finally put forward by the Akali Dal were:

- (a) Grant of 'holy city' status to Amritsar on the pattern of Hardwar, Kashi and Kurukshetra;
- (b) Installation of 'Harmandir Radio' at the Golden Temple to relay kirtan¹;
- (c) Permission to Sikhs travelling by air to wear kirpans on domestic and international flights; and
- (d) Enactment of All India Gurdwara Act.

(a) Grant of 'holy city' status to Amritsar

9. With regard to the demand for grant of 'holy city' status to Amritsar, it was pointed out to the Akali Dal representatives at the very beginning that the precedents they cited did not exist, as Government had not conferred 'holy city' status on the cities mentioned or any other city. However, restrictions on the sale of meat or liquor in demarcated areas of cities like Hardwar and Kurukshetra had been imposed by the local authorities or state Governments in deference to the susceptibilities of pilgrims. There are no restrictions in Kashi (Varanasi). It was indicated that action could be taken on these lines in Amritsar also. The Prime Minister suggested a committee could go into this question to recommend a suitable line of action. The Shiromani Gurdwara Parbandhak Committee (SGPC)² showed no interest in cooperating with the concerned authorities in this matter.

10. On February 27, 1983, the Prime Minister, while making certain announcements with regard to the religious demands, stated that the sale of tobacco, liquor and meat would be banned in a demarcated area around the Golden Temple as well as the Durgiana Temple³ in Amritsar. In pursuance of this announcement, shops selling tobacco, liquor and meat within a radius of 200 metres of Harmandir Sahib⁴ and Durgiana Temple have already been shifted. Signboard

¹ Recitation of scriptures, singing of hymns (with or without musical accompaniment)

² A body establishment under Sikh Gurdwaras Act 1925, to manage certain specified gurdwaras and to superintend the work of Committees of Management of gurdwaras notified under the Act.

³ Name of a Hindu Temple at Amritsar.

⁴ The Golden Temple at Amritsar.

to this effect have also since been put up. Despite this, the Akali Dal has recently again raised its demand for grant of 'holy city' status to Amritsar and asked for a ban on the sale of tobacco, liquor and meat in the entire walled city of Amritsar. The grant of 'holy city' status as such to any city would not be in keeping with the secular nature of our Constitution.

(b) Installation of transmitter station at the Golden Temple

11. During discussions with the representatives of the Akali Dal, Government pointed out that private radio broadcasting facilities are not allowed to any group anywhere in the country as a matter of national policy. However, the Government offered to arrange for direct relay of shabad kirtan¹ from the Golden Temple through the Jalandhar station of All India Radio. The Akali Dal representatives then insisted that such relays should be allowed for two hours in the morning and one hour in the evening. Government announced its readiness to allow relays of kirtan for 1 1/2 hours in the morning and 1/2 hour in the evening and instructed the All India Radio authorities to make necessary arrangements for this in consultation with the SGPC. The SGPC, however, did not extend the requisite facilities and insisted on the relay being for a minimum duration of three hours. The Home Minister, in his statement of June 22, 1983, suggested that the question of timing and duration could be discussed but a beginning might be made immediately with the relay of 1 1/2 hours in the morning. However, no progress could be made due to lack of cooperation from the SGPC authorities. Relay of kirtan has since commenced from Harmandir Sahib with effect from June 8, 1984.

(c) Carrying Kirpans on flights

12. The Akali Dal demanded the Sikhs travelling by air should be permitted to carry kirpans on domestic as well as international flights. Although the Government have always respected the constitutional provision recognising the wearing of kirpans by Sikhs, certain restrictions had been imposed on carrying kirpans on flights after the hijacking incident of September 1981. However, in deference to the sentiments of the Sikh community, instructions were issued in February 1983 permitting Sikh passengers to carry kirpans which do not exceed 22.8 cms (9") in length and whose blade length does not exceed 15.24 cms (6") on domestic flights. The Akali Dal representatives agreed to this.

¹ Recitation from the Holy Book of the Sikhs.

As regards international flights, it was explained that Air India cannot act independently as it is bound by international regulations and conventions about the carrying of weapons.

(d) All India Gurdwara Act

13. The Akali Dal's demand for the enactment of an All India Gurdwara Act, bringing all historical gurdwaras situated in different parts of the country under the purview of one administration has wide ranging implications. In various meetings Government told the Akali Dal leaders that they would be willing to consider the suggestion subject to consultations with other interested parties and the Shiromani Gurdwara Parbandhak Committee. On February 27, 1983 the Prime Minister announced that Governments of the States where the gurdwaras are located and the managements of the gurdwaras would be consulted to arrive at the consensus needed for enacting such a legislation. The Akali Dal did not give any definitive list of historical gurdwaras proposed to be brought under the purview of this legislation. At different meetings, different numbers of such gurdwaras were given, ranging from 10 to 30.

14. Government have received a large number of representations from many sections of the people against such legislation. Some of the committees managing historical gurdwaras outside Punjab have also expressed their unwillingness to bring these gurdwaras under SGPC control. In undertaking any such legislation, Government would have to keep in mind the views of other interested parties and the State Governments concerned. However, without appreciating the inherent difficulties, the Akali Dal continues to blame the Government for the delay.

(ii) Disputes which relate to other States besides Punjab

(a) River waters

15. The agreement on the allocation of surplus waters of Ravi-Beas reached in December 1981 was the result of exhaustive discussions among the representatives of the Punjab, Haryana and Rajasthan Governments and of the Central Government. Later water flow series showed the availability of Ravi-Beas surplus waters to be 17.17 MAF against the earlier estimated availability of 15.85 MAF. This meant that some additional quantity of water became allocable to pre-partition Punjab which could be shared between Punjab and Haryana. According to the 1981 Agreement the additional water allocable to pre-partition Punjab was allotted to Punjab alone. In the final allocation

made between the two States under the 1981 agreement the share of Punjab was raised to 4.22 MAF and the share of Haryana was retained at 3.50 MAF. In addition, out of Rajasthan's share, until such time as Rajasthan was in a position to utilise its full share, Punjab was allowed to use water which was surplus to Rajasthan's requirements.

16. During the tripartite talks held in January-February 1983 in New Delhi, the representatives of the Akali Dal pressed their view that the allocation of waters under the 1955 Agreement between pre-partition Punjab and Rajasthan should be reopened on the ground that Rajasthan had been given more than it was entitled to.

17. It was pointed out to the representatives of the Akali Dal that after the partition of India, the distribution of waters of the rivers of the Punjab remained an unresolved issue between India and Pakistan, and Pakistan had argued that India was not in a position to utilise the waters it claimed. The settlement about India's share of Indus waters was reached accepting the validity of India's claim that water would be utilised to irrigate the arid and dry lands of the Indus basin in Rajasthan. On the basis of the Agreement of 1955, Rajasthan has built a vast infrastructure at a cost of over Rs. 600 crores (Rs. 6,000 million) and therefore it was explained that it would not be correct to reopen this issue nearly three decades after the Agreement. In the tripartite meetings held in early February, 1983, to which Akali Dal representatives were a party, a consensus emerged that the 1955 agreement should not be re-opened in any reference that may be made to a tribunal for the settlement of the River Waters dispute between Punjab and Haryana.

18. During the discussion on the river waters dispute the representatives of the Akali Dal have been insisting that Yamuna waters should also be taken into account. Punjab's rights as a successor State of the erstwhile undivided Punjab have been delineated under the Punjab Reorganisation Act, 1966 in which the waters of Yamuna are not included and the Government therefore maintained that the Yamuna waters were not an issue to be included in the terms of reference to the tribunal.

19. After a series of protracted discussions and taking into account the views of the States of Punjab, Haryana and Rajasthan the following formula for settling the river waters issue was put to the Akali Dal representatives :

- (1) The Agreement of December 31, 1981 between the Governments of Punjab, Haryana and Rajasthan regarding allo-

cation of surplus flows of the Ravi- Beas will be treated as rescinded. The Notification of the Government of India, Ministry of Agriculture and Irrigation, Department of Irrigation, dated March 24, 1976 under Sub-Section 1 of Section 78 of the Punjab Reorganisation Act 1966 will be treated as withdrawn.

- (2) The dispute between Punjab and Haryana with reference to the surplus waters of Ravi-Beas will be referred to a tribunal presided over by a judge of the Supreme Court to be appointed under the Inter-State Water Disputes Act, 1956, to determine afresh the allocation between the two States.
- (3) Pending the final decision of the tribunal, the allocaton of water between Punjab and Haryana will be decided on a year to year basis by the said tribunal.
- (4) The Tribunal will be requested to give its decision within a period of two years. The decision of the tribunal shall be final and binding on the two States.
- (5) Punjab shall take immediate steps to construct the Sutlej- Yamuna canal and complete it within a period of two years.
- (6) Suitable legal and administrative steps will be taken expeditiously to implement the above.

20. However, later the Akali Dal representatives resiled from the consensus reached earlier and took the stand that the scope of the reference to the tribunal should cover the 1955 Agreement with Rajasthan and the question of the Yamuna waters. Obviously, this was unacceptable to the Central Government as well as to the Governments of Haryana and Rajasthan.

21. In one of the meetings with the representatives of the Akali Dal, the Prime Minister had assured them that the interests of Punjab would not be affected and she suggested that a committee of experts should go into the whole question of augmenting the availability of water in the basin and that Government would give priority consideration to its recommendations. Even these assurances had no effect in changing the rigid position of the Akali Dal representatives on this issue.

(b) Territorial Issue

22. The demand regarding territories proved to be the most contentious. It will be recalled that in 1966 the Shah Commission had recommended that Chandigarh be given to Haryana. However,

in 1970, Smt. Indira Gandhi, as Prime Minister, announced that Chandigarh would go to Punjab. Under this decision :

- (1) The Capital project area of Chandigarh would go to Punjab;
- (2) A part of Fazilka Tehsil (including Abohar) of Ferozepur District of Punjab would be transferred to Haryana; and
- (3) As regards other claims and counter-claims for the re-adjustment of inter-state boundaries, a Commission would be appointed.

The above decision could not, however, be implemented because of the subsequent change in the attitude in the State.

23. The present demand is that while Chandigarh should be immediately transferred to Punjab, all other claims and counter-claims, including those relating to Abohar and Fazilka, should be referred to a Commission.

24. The Government have done their utmost to be helpful, without being unfair to either State, and have announced their willingness to abide by any one of the following four alternatives:

- (1) Implementation of the 1970 decision;
- (2) Referring all disputes and claims including Chandigarh to a new Commission;
- (3) Dividing Chandigarh between Punjab and Haryana, with Punjab getting the major share, and referring the remaining disputes to a Commission; or
- (4) Adopting any other alternative acceptable to both States.

Within the above framework, a large number of different formulations were proposed. But none of them was acceptable to the Akali Dal leadership. The Prime Minister had repeatedly declared in Parliament that the Government stood by its decision that Chandigarh should go to Punjab provided that Haryana was suitably compensated.

25. As late as on June 2, 1984 the Prime Minister in her broadcast to the nation, reiterated that Chandigarh would go to Punjab provided Haryana gets its share of some Hindi-speaking areas which are now in Punjab. The position of the representatives of the Akali Dal on this issue has remained unchanged, viz. that Government should transfer Chandigarh to Punjab and refer all other claims and counter-claims, including those on Abohar-Fazilka to a Commission, to be decided on the basis of villages as the unit and language and contiguity as the principle. The Haryana Government was willing to

give up its claim on Chandigarh, but wanted transfer of territory from Punjab on the basis of the 1970 decision or on any other basis which could be arrived at by mutual agreement. The stalemate on this issue continues.

26. It will be seen from the extracts from the Anandpur Sahib Resolution quoted earlier in this paper, that the Akali Dal has claims on certain territories in Rajasthan and Himachal Pradesh on the ground that they are "Punjabi-speaking Sikh populated areas". It was made clear to the Akali Dal representatives that any settlement on territorial issues with Haryana would have to be on the basis of a commitment from them that they would not press any more claims on territories belonging to other States.

(iii) General Issues

(a) Centre-State Relations

27. The Akali Dal demand on Centre-State relations reads as follows:

"As per the Anandpur Sahib resolution, the S. A. Dal¹ is firmly convinced that progress of States would entail prosperity of the Centre, for which suitable amendments should be made in the Constitution to give more rights and provincial autonomy to States. The Centre should retain Foreign Affairs, Defence, Currency and Communications (including means of transport) while the remaining portfolios should be with the States. Besides, the Sikhs should enjoy special rights as a nation."

28. The question of Centre-State relations has wider all-India implications and cannot be discussed exclusively in the context of Punjab. This position was widely accepted by Opposition leaders during the tripartite discussions in January-February 1983. It was specifically mentioned during the discussions that decision in this regard could not conceivably be related to the Anandpur Sahib Resolution.

29. Recognising the importance of the subject, the Government set up in June 1983, a Commission under the Chairmanship of Shri Justice Ranjit Singh Sarkaria to examine and review the work of the existing arrangements between the Union and the States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures as may be appropriate. The Commission was to keep in view the scheme and framework of the

¹ Shiromani Akali Dal.

Constitution designed to ensure the unity and integrity of the country. The Government's decision to initiate such a comprehensive review of Centre-State relations should have satisfied the Akali Dal, as it did other Opposition parties which had also raised this issue. But the Akali Dal was adamant that Government should make specific mention of the Anandpur Sahib Resolution while referring the matter to the Sarkaria Commission.

In fact in a Tripartite meeting the Akali Dal representatives had agreed not to press this but later in his letter to the Home Minister, Sant Harchand Singh Longowal, President of the Akali Dal reiterated the demand.

30. The position of the Government has been stated unambiguously on more than one occasion. The propositions contained in the Anandpur Sahib Resolution on Centre-State relations are at total variance with the basic concept of the unity and integrity of the nation as expressed in our Constitution. These cannot be accepted even as a basis for discussion.

31. The people of India do not accept the proposition that India is a multi-national society. The Indian people constitute one nation. India has expressed through her civilisation over the ages, her strong underlying unity in the midst of diversity of language, religion etc. The affirmation of India's nationhood after a long and historic confrontation with imperialism does not brook any challenge. However, Government have made it clear to the representatives of the Akali Dal that it is open to them to make any submissions it wishes before the Sarkaria Commission within its terms of reference.

(b) Other Demands

32. Among their other demands, the Akali Dal representatives emphasized the following two as issues of special concern to them:

- (i) Grant of Second language status to Punjabi language in Haryana, Delhi, Himachal Pradesh and Rajasthan.
- (ii) Stopping the uprooting of Punjabi farmers from Terai area of Uttar Pradesh.

(i) Second language status for Punjabi language

33. The Akali Dal has been demanding that in areas of Haryana and Rajasthan where there is a sizeable Punjabi-speaking population, Punjabi should be taught as a second language in schools. During the talks, the Akali Dal leaders elaborated that whereas in Punjab, Hindi is taught in schools from the Fifth standard, in Haryana, languages

like Telugu or Sanskrit have been chosen under the three-language formula.

When they raised this issue, the three-language formula agreed at the Chief Ministers' Conference in 1961 was explained to them and it was suggested that the Chief Ministers concerned should be able to arrive at a workable solution.

34. The States have already taken various measures and the position is as follows:

Primary stage

Orders exist in Delhi, Haryana, Rajasthan and Himachal Pradesh for provision of facilities to teach Punjabi at the primary level by appointing atleast one teacher, provided there are not less than 40 pupils who are desirous of learning that language in the whole school or 10 such pupils in a class.

Secondary stage

The State Governments are following the three-language formula as accepted by the Chief Ministers. Instructions of the State Governments exist in Delhi, Rajasthan and Haryana for provision of facilities to teach the Punjabi language under this formula.

(ii) Punjabi farmers in the Terai Region of Uttar Pradesh

35. The Akali Dal representatives complained that Sikh farmers in Terai were being 'uprooted', 'ejected' and 'arrested'. The State Government have denied this. They have said that their policy was to discourage unauthorised occupation of tribal land and that no orders had been issued to eject or uproot lawful landholders of whatever origin. They have pointed out that out of approximately 7860 unauthorised occupants, more than 5000 were from UP itself, and one common policy was being followed with regard to all such persons. The principal object of the State legislation on this subject was to prevent further alienation of tribal land and to restore to them the land they had lost. Before 1947 the Tharu and Buxar tribes were cultivating about 2.25 lakh acres (0.225 million acres) of land in the Terai-Bhabar area of District Nainital. This position had gradually changed to the disadvantage of the tribals and they were now recorded as tenure holders of only about 0.80 lakh acres, of which also they had lost possession of another 16,500 acres to non-tribals. The State Government took action in this context to protect tribal interests.

36. It was explained to the Akali Dal leaders that almost every

State had framed legislation in pursuance of the accepted policy of preventing alienation of tribal land. In any event, the UP Government had specifically directed the District Magistrates to take action only in accordance with the principles of natural justice and within the framework of the law.

(c) Amendment of Article 25(2)(b) of the Constitution

37. Even as the negotiations were continuing on the various demands placed before Government earlier by the Akali Dal, the Akali Dal raised a completely new demand in January 1984 asking for an amendment of Article 25(2)(b) of the Constitution¹ and almost simultaneously announced an agitation which included the burning and mutilation of copies of the Constitution of India.

38. Even in March 1984, when the Akali Dal first mentioned this demand in a communication to the Government, the purport of the amendment sought was not clarified. The fact that the Akali Dal had not precisely formulated its own views is evident from the press reports of May 1, 1984 that the SGPC President had constituted a 21-member committee of experts to suggest relevant amendments to Article 25.

39. Government maintain that Article 25(2)(b), far from weakening the distinct identity of the Sikh community was in fact a recognition of that identity. Nevertheless, since doubts had been raised, the Home Minister issued a statement on March 31, 1984

¹ Article 25 of the Constitution reads as follows:

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law –

- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
- (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I—The wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion.

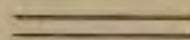
Explanation II—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

that the Government would be prepared to consult the SGPC and other representatives of the Sikh community as well as legal experts, and undertake such legislation by way of amendment as may be necessary to remove such doubts. The SGPC was also invited to send its suggestions or proposals in this regard in order to enable the Government to give further consideration. The Akali Dal leaders arrested in connection with the agitation for the amendment to Article 25 were released from jail so as to create a more congenial climate for a dialogue.

The Akali Dal also sought to link the demand for the amendment of Article 25 with the idea of a separate personal law for the Sikhs. However no proposals have been given to the Government for consideration, nor is it clear as to what changes are wanted in the existing laws and for what reasons.

40. The timing and manner in which the Government was pressed to accept the demand to amend Article 25 of the Constitution are typical of the Akali Dal's approach to negotiations. When after protracted discussions an agreement appeared to have been reached on some issues, new issues were raised, thereby frustrating any possibility of a settlement. The demands were often put forward without the Akali Dal having worked out all the relevant implications for the Sikh community itself. The Akali Dal appeared to want to keep an agitation going on some issue or other. Every few months there was a call for a new morcha¹ or bandh², each new agitation being more violent and dangerous than the previous one.

41. The comprehensive statement made by the Home Minister on February 28, 1984 regarding the negotiations with the Akali Dal and the Prime Minister's Broadcast to the nation on June 2, 1984 are at Annexure (v) and Annexure (vi) respectively.



SOME ISSUES

By about the middle of 1983, anti-national and terrorist groups had established complete control over the Golden Temple and converted it as the main base for their operations. With the fortification of the Golden Temple and a number of other gurdwaras, the systematic

¹ A military term for "battle front" or "battle array" – implying a vigorous agitation.

² Blockade or cessation of specified activities.

elimination of those who did not agree with their aims and methods and the raising of the false and insidious slogan of 'Panth in danger', it became evident that the terrorists were aiming at much bigger stakes than merely getting some demands accepted. The large quantities of weapons of offensive character and communication equipment and the arms factory discovered from the Temple fully bear out their ultimate objective, namely, full scale insurgency. Any delay on the part of the Government in breaking these well entrenched bastions of terrorists and secessionists would have been disastrous for the whole country.

2. The events in Punjab have raised some vital issues which require serious consideration:

- Is it right for places of worship which are revered by millions to be used as arsenals?
- Is it right to transform such places into sanctuaries for criminals and subversive elements?

And above all,

- How do we prevent the secular foundations of our republic from being eroded?

3. In Punjab, a small group, using the cover of religion, adopted terror as an instrument to promote a secessionist movement based on communal separatism. The Golden Temple and other gurdwaras were used to provide total immunity to criminals and to those who worked to disrupt the unity of the country. This has been the most blatant example of the misuse of religion and religious places in India's recent history.

4. It is inconceivable that the Akali Dal, and the SGPC, which was in charge of the management of the Temple, were not aware of the open desecration and abuse of the holy precincts of the Golden Temple in violation of its own rules. No voice was raised against this by the Akali Dal or SGPC. Not only that, the Akali Dal made full use of religious symbols and rites for its agitation. In this atmosphere the forces of religious fanaticism and fundamentalism easily flourished. Can the SGPC which has the legal responsibility for the management of these religious places plead ignorance and absolve itself of the responsibility for their misuse?

5. The recent occurrences in Punjab cannot be divorced from the wider international context. The security environment of India has worsened in the last three years. Powerful forces are at work to undermine India's political and economic strength. A sensitive border

State with a dynamic record of agricultural and industrial development would be an obvious target for subversion. In this context the activities of groups based abroad acquire special significance. A section of the foreign media is deliberately presenting totally distorted versions of the Punjab situation, which have the effect of encouraging and sustaining separatist activities.

6. The fundamental challenges to India's unity have arisen from communal fanaticism and other divisive forces with powerful external support. The target now is secularism, the basic foundation of India's unity. Repeated external aggression and other pressures having failed to break the unity and integrity of India, attempts are now being made to cause internal disruption, pressing religion into service. This is the warning which the recent developments in Punjab are giving to the nation.

7. Other questions are being posed:

- (i) How is it that sophisticated weapons in such large quantities managed to get inside the Golden Temple and other gurdwaras?
- (ii) Was not the Government aware that such arsenals were being built up inside the Golden Temple and other gurdwaras? Was there not a failure of intelligence?
- (iii) Was there any support from foreign countries and sources available to the terrorists?

8. The Government had some information on the quantity and type of arms which had been acquired by the terrorists and had been stored in the Golden Temple as well as some other gurdwaras. Events proved that this intelligence, as far as it went, was correct. The Government also knew the intentions and strategy of action of the terrorists. From time to time the Government itself gave information about the strength being acquired by the terrorists. The arms and ammunition were smuggled into the Golden Temple and other gurdwaras in Kar Sewa and other vehicles which used to carry foodstuffs and other materials. In the earlier stages, vehicles of the SGPC, were not searched. Everyday hundreds, and on particular days like Amavasya¹ thousands of persons used to visit the gurdwaras and some arms could easily be smuggled in by terrorists mixing with pilgrim crowds. It was not possible to check and search such large numbers without causing serious inconvenience to the pilgrims.

9. It must, however, be admitted that one area in which

¹Moonless night.

Government intelligence was weak was of "ground" information. For instance Government had information that the terrorists were planning to take some big and dramatic action against railway tracks, railway stations and post offices during a particular period of time. The exact locations of attack and the particular gangs of terrorists who were to carry out the attacks which was a matter of ground intelligence were not available. As a result, while intensive patrolling of railway tracks was taken up all over the State which detected several acts of sabotage to the tracks and thus averted a large number of railway accidents, it was not possible to prevent actual attacks on railway stations which were mostly small and isolated flag stations.

10. As for the supply of arms, in the initial stages the terrorists got them through some surprise raids on armouries (the main one being the armoury of the Home Guards at Ferozepur) and occasional snatching of arms from police personnel. Later they were able to obtain the more sophisticated arms through sources out-side the country and by developing clandestine links with sources within the country. High authorities abroad have spoken of the possibility of illegal inflows of large supplies of arms into India from across the border. More facts will be available when investigations are completed in cases against terrorists who have been apprehended. However, one fact stands out, that the main distribution centre of arms to the terrorist gangs was based in the Golden Temple.

11. The Government have reason to believe that the terrorists were receiving different types of active support from certain foreign sources. The significant relationship between internal and external forces of subversion, is a well-known fact of the contemporary international scene. However, it would not be in the public interest to divulge information which Government have on this aspect of terrorism in Punjab. Utmost vigilance is necessary to thwart the designs of those who wish to exploit our internal situation for their own ends. The people of India have repeatedly shown full awareness of this dimension of our political life.

12. The action which the Government has had to take in Punjab was neither against the Sikhs, nor the Sikh religion; it was against terrorism and insurgency. The Sikhs are a well integrated part of the Indian nation. They were second to none in their contribution in achieving and defending the country's freedom and the building of the economic strength of free India. The Sikh community stands firm, along with the rest of the nation, in its resolve to preserve and strengthen the unity and integrity of the country.

13. Government have always kept in view the wider national

perspective in dealing with the agitation in Punjab over the last two years. Even after the tragic events outlined in the foregoing pages, Government remain committed to its stand that a lasting solution should be found through the democratic process of discussion. It is obvious that such discussions can be fruitful only in an atmosphere of peace, mutual trust and accommodation. No settlement is possible if one group continues to insist that all its demands, including those which concern other States should be accepted in toto. No settlement can be durable if in conceding the demands of one State or group the legitimate interests of some other states or groups are ignored. In any settlement there has to be give and take, and above all, a commitment to the basic concept that the country's interests always come above the interests of a State or group.

14. It is Government's sincere hope that all sections of the people will contribute to the creation of an atmosphere of trust and amity.

Appendix-18

Punjab's Claim on Chandigarh

Chandigarh

— IQBAL SINGH

The idea of forming a State on the basis of the language of the inhabitants in its area is as old as the Congress itself. It was taken up in earnest, however, when the Congress came into power, after the country's partition. A High-power Commission for the reorganization of provinces on the basis of language was appointed. Punjabee was not accepted as a distinct language, and, though the Commission recommended the formation of Himachal Pradesh, then part of Punjab, it left the rest of the province intact. But since Punjabee was not recognized as a distinct language, Punjab could not be reorganized on a linguistic basis. In consequence, there was disaffection by a certain section, who were able to mount widespread agitation.

As a result, the Government was compelled to appoint a Commission, headed by Mr. Justice Shah, to probe the grounds for the trouble. The terms of reference of this Commission were such that a just and correct plan of reorganization was impossible. The 1961 Census figures, which were viciously communal, were to be guide for the Commission, which, accordingly, divided Punjab on the basis of religion rather than of language, and other factors such as administrative conveniences and the economic interests of the people affected.

Contrived Majority

Kharar tehsil, where not a soul spoke anything but Punjabee, including Chandigarh, a distinctly Punjabee town, was awarded to Haryana. The reason advanced was that the 1961 Census figures showed that the majority, howsoever narrow, were Hindi-speaking. This contrived majority was the outcome of anti-Punjabi propaganda as a result of which Punjabi-speaking Hindus in urban areas such as Kharar, Chandigarh and Kalka, claimed Hindi as their mother tongue. Chandigarh itself is built on land entirely inhabited by Sikh peasants,

who speak nothing but Punjabee. This totally unjust recommendation of the Commission was rejected by the Government by converting Chandigarh and its surrounding area, entirely inhabited by Sikh farmers, into a Union Territory, transferring a few Hindu-dominated villages to Haryana, awarding the rest of the tehsil to Punjab and ordering both States to build their capitals elsewhere.

This palpably unjust decision was resented by the Punjab Government and all political parties. The monstrosity of this division can be easily seen from the fact that villages only two miles from Chandigarh and closely linked to it were placed at an administrative disadvantage and disrupted economically. In consequence serious agitation to correct the injustice was launched by Sant Fateh Singh who demanded: (1) the transfer of Chandigarh to Punjab as its capital; (2) the transfer to Punjab of a number of Punjabee-speaking areas made over to Haryana and Himachal Pradesh by the Shah Commission; (3) the fresh demarcation of the boundaries of Punjab, Haryana and Himachal Pradesh on the basis of language; and (4) Bhakra to be brought under the control of Punjab.

Punjab's Demands Accepted

The Union Government accepted those demands in principle. Chandigarh was to be transferred to Punjab after five years to allow adequate time to Haryana to build its capital. For demarcation of boundaries afresh, a Commission of linguistic experts was to be appointed. To compensate Haryana for the loss of a capital, 144 villages of Fazilka and Abohar were to be transferred to that State after the Linguistic Commission had submitted its report. Further, these villages were to be kept out of the Linguistic Commission's purview.

Haryana accepted the Union Government's decision in toto. The Punjab Government and all the political parties, however, unequivocally rejected the transfer of Fazilka and Abohar area while accepting the other decisions of the Government.

Haryana's Demand for Boundary Commission

The Government's decision having put the final seal to the transfer of the villages of Fazilka and Abohar to Haryana, the latter pressed for the early appointment of a Boundary Commission, as it could not take possession of the villages till the Commission had given a ruling about the other areas. Fearing that the plan would open a floodgate of agitation, the Union Government wants this dispute to be resolved

through negotiation. With this object, the Chief Ministers of the two States have met a number of times, but have failed to agree. On the other hand, a spate of statements by the various political parties and their followers have appeared in the Press.

Therefore, it is necessary to examine the various issues.

Government's Statement: Is It An Award?

The Government's announcement ends with the following appeal: 'Government hopes that these decisions taken in the best interests of the people of the two States will be accepted by Governments and people of the two States with goodwill and understanding.'

Even a casual glance at that wording should leave no doubt in anybody's mind that the Government never intended to give an award. At best it was an appeal to the State Governments and people to accept the recommendations in their own interest. An award is a judicial judgement legally enforceable. It is given when the parties to a dispute make such a request, so as to reach an amicable settlement. The arbitrator chosen is also one acceptable to both sides. Moreover, an award is mandatory.

Firm Conclusions

The request of the two Chief Ministers of Punjab and Haryana to the Prime Minister to settle their dispute could in no sense be termed a legal agreement for arbitration. And the Prime Minister does not seem to have given any decision on it. As a matter of fact, the decision was made by the Union Government, in the form of an appeal, leaving its acceptance to the parties' option, and their 'good sense and understanding'.

Thus, we are led to the following conclusions: (1) both the Union and Haryana Governments have accepted Punjab's claim to Chandigarh; (2) both Governments have rejected the false Census figures in regard to language, on which the Shah Commission based its decision; (3) both Governments have accepted in principle all demands put forward by Sant Fateh Singh, the Punjab Government and Punjab's political parties, for the readjustment of boundaries and the appointment of a linguistic commission for doing so; (4) the Punjab Government, its political parties, and Sant Fateh Singh have accepted all the other decisions of the Union Government, except that relating to Fazilka and Abohar, which they have unequivocally rejected; (5) the Union Government's statement is not an award.

Package Deal

The Union Government gave its decision on all the issues raised by Punjab. In no case was implementation of any one decision made a condition for the enforcement of another. None was linked with another, so that any one issue could be treated independently of the others. Let us ponder the two important issues of Chandigarh and Fazilka. Nowhere has it been stated that acceptance or rejection of one will affect the other. The condition attached to the transfer of the villages of Fazilka and Abohar are: the *status quo* is to be maintained till the transfer of the other areas recommended by the Language Commission, which is to be appointed. Chandigarh will continue to be centrally administered for five years, at the end of which period it will be transferred to Punjab. Till then, the capitals of both Haryana and Punjab will remain at Chandigarh on the payment of rent. Haryana must build its own capital elsewhere in the meanwhile, for which it has been given a handsome grant and a loan of many crores of rupees.

Nowhere has it been stated that Punjab's claim to Chandigarh will be rejected, or automatically cease on the Punjab Government's rejection of the decision about Fazilka and Abohar.

Question of Compensation

According to the Union Government's announcement, the villages of Fazilka and Abohar are being ceded to Haryana to compensate it for the loss of its capital. But this reasoning is illogical. Haryana received Chandigarh under the Shah Commission Report. Therefore, by keeping it as a Union Territory, the Union Government flouted the Shah Commission's decision. And as a result of the Union Government's decision, Haryana's claim to Chandigarh ended. As agitation against this unjust decision grew, the Union Government realized the just claim of Punjab, and agreed to transfer Chandigarh to Punjab, thereby completely and finally ending any vestige of Haryana's claim. Thus, Chandigarh, a Punjab town on the basis of language, became the capital of Punjab. As such, the question of compensation does not arise.

Compensation could be claimed only if Haryana had any right to the whole or part of Chandigarh. And, no one can claim compensation for another's property. Pakistan lost a common capital in Delhi, and was never given any compensation for the loss. To cede 144 villages, speaking different languages and having a different culture from that of Haryana is an act of grave injustice, and can never be

Package Deal

The Union Government gave its decision on all the issues raised by Punjab. In no case was implementation of any one decision made a condition for the enforcement of another. None was linked with another, so that any one issue could be treated independently of the others. Let us ponder the two important issues of Chandigarh and Fazilka. Nowhere has it been stated that acceptance or rejection of one will affect the other. The condition attached to the transfer of the villages of Fazilka and Abohar are: the *status quo* is to be maintained till the transfer of the other areas recommended by the Language Commission, which is to be appointed. Chandigarh will continue to be centrally administered for five years, at the end of which period it will be transferred to Punjab. Till then, the capitals of both Haryana and Punjab will remain at Chandigarh on the payment of rent. Haryana must build its own capital elsewhere in the meanwhile, for which it has been given a handsome grant and a loan of many crores of rupees.

Nowhere has it been stated that Punjab's claim to Chandigarh will be rejected, or automatically cease on the Punjab Government's rejection of the decision about Fazilka and Abohar.

Question of Compensation

According to the Union Government's announcement, the villages of Fazilka and Abohar are being ceded to Haryana to compensate it for the loss of its capital. But this reasoning is illogical. Haryana received Chandigarh under the Shah Commission Report. Therefore, by keeping it as a Union Territory, the Union Government flouted the Shah Commission's decision. And as a result of the Union Government's decision, Haryana's claim to Chandigarh ended. As agitation against this unjust decision grew, the Union Government realized the just claim of Punjab, and agreed to transfer Chandigarh to Punjab, thereby completely and finally ending any vestige of Haryana's claim. Thus, Chandigarh, a Punjab town on the basis of language, became the capital of Punjab. As such, the question of compensation does not arise.

Compensation could be claimed only if Haryana had any right to the whole or part of Chandigarh. And, no one can claim compensation for another's property. Pakistan lost a common capital in Delhi, and was never given any compensation for the loss. To cede 144 villages, speaking different languages and having a different culture from that of Haryana is an act of grave injustice, and can never be

the language figures, which the Government itself has condemned, again for this purpose is a blatant contradiction.

We have no hesitation in admitting that the 144 villages to be transferred are predominantly Hindu. To cede them to Haryana and to take them away from a predominantly Sikh State is clear evidence of the fact that all talk of secularism is false, and that the real objective is the establishment of a strongly Hindu Government, and that where this cannot be done, to try to reduce a non-Hindu State in size and influence to an extent that its existence would be merely almost nominal. Sikhs form an important cultural minority in India, and have a distinct language.

Punjab has suffered a great deal as the result of the Shah Commission Report's findings, resulting in the transfer of huge Punjabee-speaking areas to Haryana and Himachal Pradesh. The recognition of the need for a Linguistic Commission for redrawing the boundary, however, means that the Shah Commission's labour has been virtually repudiated. Any attempt, therefore, to resurrect it, as is sometimes done by Haryana, is futile.

If the terms of reference of the Linguistic Commission were properly and justly framed, the grave harm done to Punjab would be rectified. This, however, is an uphill task, as communal and anti-national forces are very strongly entrenched, backed and supported by the Central Government. A grim struggle will, therefore, have to be made by Punjabees to wrest their lost possessions from the hands of vested interests. But a just cause never fails, so that, sooner or later, Punjab will succeed in its cherished dream of a real Punjabee Suba.

Appendix-19

Chandigarh —A Case for Punjab

Chandigarh A Case for Haryana or Punjab

— MOHINDAR SINGH PALL

Now that the case of Chandigarh is to be examined *de novo*, responsible organisations in the Punjab should present before the arbitrator, Shrimati Indira Gandhi, Prime Minister of India, a threadbare analysis of Haryana's claim to this truly Punjabi modern city.

1. According to 1961 Census figures, total population of Chandigarh Capital was 89,321 persons of whom 73.3 per cent were Hindi-speaking and only 25.1 per cent Punjabi-speaking! By the specific mandate incorporated in its terms of reference, the Punjab Boundary Commission, headed by Hon'ble Justice Shah of the Supreme Court, was enjoined mainly to rely on these figures for considering the question of the adjustment of the boudary of the Punjab and Haryana States.

The most important thing is to discard *in toto* these liguistic figures and precentages since it is too well known that, influenced by the virulent propaganda stepped up by some communal leaders on the eve of census enumeration, a vast majority of Hindu brethren residing in Chandigarh falsely declared Hindi as their mother tongue. The actual fact and truth on the contrary, is that among residents of Chandigarh Hindi-speaking persons are in insignificant minority. This contention can be proved to the hilt if a fresh and genuine census is held by means of adopting a very simple and straightforward definition of "Hindi-speaking person" as "a person who or whose father originates from any place situated in the Haryana State or in any other Hindi-speaking State in India." From this definition it also follows as a natural corollary that a person who or whose father originates from any place situated in the Punjab State or in any non-Hindi speaking State in India or from any place now in West

Pakistan, is *not* a Hindi-speaking person. It will be readily conceded that the above definition would cover at least 95 per cent cases, which is quite sufficient for arriving at reliable and dependable results. A very liberal margin of 5 per cent has been left out to cover genuine cases *i.e.*, those Hindi-speaking residents of Chandigarh who may not be covered by the above definition. No fair-minded person can have any valid objection to the adoption of this practicable and fool-proof definition. While one can make a false declaration regarding one's mother tongue, it is rather difficult to do so in respect of one's place of origin because the truth or otherwise of such a declaration can in most cases be checked from office records, in all cases in respect of displaced persons from West Pakistan. Holding of such a census would not involve much labour or expense but would yield fairly correct percentage of *really* Hindi-speaking persons residing in Chandigarh.

2. Further for the purpose of holding such a census, it will also be necessary to define the term "resident of Chandigarh" as "a person who resides in any Government-owned building or any private owned or other building, construction of which has been duly authorised by the Capital Project authorities". This definition would *exclude* persons having no fixed abode and persons living in unauthorised temporary buildings, structures or hutments. These people cannot appropriately be called *residents* of Chandigarh. In 1961 Census, Hindi-speaking population figures were very considerably inflated by including such persons and their dependents. Most of these persons are casual unskilled labourers employed on construction works. They hail chiefly from Rajasthan and speak *bagri*, which is a dialect of Hindi. Shri Dutt, Member of the Punjab Boundary Commission, in paras 8 and 9 of his dissent note on Kharar-Chandigarh, has expressed his definite opinion in favour of leaving out of account this purely temporary and floating population of Chandigarh.

3. In 1961 Census operations, urban area of Chandigarh Capital was grouped together with four other urban areas of Kharar, Kalka, Kurali and Manimajra in the erstwhile Kharar tehsil. As in the case of Chandigarh Capital, in these four urban areas too, majority of Punjabi-speaking Hindus falsely declared Hindi as their mother tongue. Further, the Commission depended upon the Census language percentages, worked out *collectively* for Chandigarh Capital (then-population 89,321) and the above-named four urban areas (then-population 42,615). These two factors also substantially contri-

buted towards showing incorrect and unreal relative position of the two linguistic groups in regard to the population of Chandigarh Capital. The Union Territory of Chandigarh now comprises of Chandigarh Capital, old urban area of Manimajra and surrounding rural areas. If a fresh linguistic census is held, as suggested above, it should evidently be confined to Chandigarh Capital (appropriately defined in para 117 of Commission's Report), which is the real object of dispute.

4. To sum up, 1961 Census linguistic figures and percentages were completely vitiated and rendered worthy of no reliance whatever chiefly by the operation of three factors, namely: (i) false declarations as to their mother tongue made by a large majority of Hindu brethren residing in Chandigarh Capital and above-named four old urban areas, (ii) taking into account floating and purely temporary population of Chandigarh, which was in fact Hindi-speaking, and (iii) working out language percentages *collectively* for Chandigarh Capital and the other four urban areas.

5. In regard to 1961 Census enumeration, it is also necessary to point out that the game of making false declarations in respect of mother tongue was *not peculiar* to Chandigarh Capital and the said four urban areas grouped with it. The same thing happened all over the Punjab in cities and other urban areas as also in rural areas when 1961 Census enumeration was taken up. A number of prominent Punjab leaders brought this ugly matter to the notice of late Shri Jawahar Lal Nehru, Prime Minister who, in an official statement, conceded that 1961 Census linguistic figures of the Punjab were incorrect and undependable and will have to be amended.

6. As a result of mass-scale false declarations made in respect of mother tongue, 1961 Census linguistic figures were thoroughly vitiated hence rendered absolutely untrue and undependable and the percentages based thereon were wholly unrealistic not only in respect of the population of Chandigarh Capital but *equally* in respect of the population of *all* those urban areas of composite Punjab, which stand duly incorporated in the Punjabi-speaking State. This will become manifestly evident from a perusal of the under-noted mother-tongue percentages culled from Appendix XI of the Commission's Report:

Census of 1961

Mother tongue percentages relating to population of URBAN areas included in the Punjabi-speaking State and of Chandigarh Capital.

District/tehsil	Hindi	Punjabi
Amritsar	57.2	41.2
Gurdaspur	72.2	22.6
Kapurthala	55.8	41.9
Jullundur	69.5	28.8
Hoshiarpur	64.7	33.9
Ludhiana	58.5	40.8
Ferozepur	67.6	30.9
Patiala	52.5	46.4
Bhatinda	48.8	50.7
Sangrur	54.4	34.4
Rupar tehsil	73.3	25.0
Kharar tehsil	73.3	25.1
Chandigarh Capital	73.3	25.1

Now if 1961 Census mother tongue percentages set out above had been relied upon, almost *all* urban areas, i.e., cities, towns and small towns, now included in the Punjabi-speaking State, should have been declared as *predominantly Hindi-speaking!* And, therefore, there was no justification on earth for including these urban areas in the Punjabi-speaking State and indeed, for that matter, for carving out at all such a State on linguistic basis! What a paradox! The whole situation is quite baffling to any one not acquainted with peculiar psychic maladies to which people of the Land of Three Rivers are subject. The very fact that *all* the urban areas, which, according to 1961 Census mother tongue figures and percentages, were predominantly Hindi-speaking, were *nevertheless and without question* incorporated in the Punjabi-speaking State, goes unmistakably to show that these linguistic figures and percentages were considered worthy of no credence whatever and were, on that account, completely disregarded and discarded from consideration. And, obviously, the simple *reason* for so doing was that these statistics depicted a picture which was *completely at variance* with actual facts and

represented a position, which was *quite the reverse* of the true and actual relative position of the two linguistic groups of the urban population.

Most evidently, the case of Chandigarh Capital was, on all fours, at par with the case of *all* the urban areas of the erstwhile Punjab State, which stand duly incorporated in the new Punjabi-speaking State. That being so, there was not an iota of justification for *singling out* this city for applying 1961 Census patently untrue figures and totally unrealistic percentages relating to mother tongue, which had been completely discarded in respect of *all* the other urban areas. These figures and percentages have to be totally rejected as basis for determining the true linguistic character of the population of Chandigarh Capital. The only practicable method for achieving this object is to hold a fresh and *genuine* census by adopting the procedure set out in paras 1 to 3 above.

7. This game of making false declarations is *not new either*. At the time of 1951 Census too, as a result of large-scale and well-planned campaign carried on by communal leaders, urban and rural Hindus as also Harijan population throughout the then Punjab State *en masse* falsely declared Hindi as its mother tongue. Consequently, the *vitiation of linguistic statistics* was so complete that, under the orders of Central Government, tabulation of mother-tongue in the Punjab State had to be abandoned altogether! Chandigarh was lucky to escape that terrible heat wave because at that time it was still in the womb of Mother Nature.

8. The literal meaning of the term "mother tongue" is the language which one's mother spoke and which one has learnt from her. The term has appropriately been defined as the language which one speaks in one's home and in day-to-day life i.e. *spoken* language. In fact "mother tongue" and "spoken language" are synonymous and exchangable terms. Now *spoken* language of a person may be *quite different and distinct* from the language he or she uses for reading, writing, keeping private accounts or for correspondence or the language selected as medium of instruction for the children for one reason or other. If only such a language and not the *spoken* language were to be treated as one's mother tongue, 75 per cent of the population of this part of the country, which is illiterate, i.e. *only speaks* but does not know how to read and write, shall have to be classed as '*without any mother tongue*'!

It is extremely surprising that the Punjab Boundary Commission completely ignored this most vital difference and distinction between *spoken* language and language used for other purposes. In para 126

of its Report, the Commission observed that a large percentage of Chandigarh students appearing for Higher Secondary Examinations and Middle Standard Examination in the years 1965 and 1966 opted for Hindi as medium for answering their question papers. It is very unfortunate that, on this basis, Commission concluded that Chandigarh must be a predominantly Hindi-speaking city. The fact of the matter, on the other hand, is that majority of Punjabi-speaking persons whether Hindus or Sikhs, in Chandigarh as also elsewhere in the Punjab, prefer to select Hindi as medium of instruction for their children *because of* its great importance as *lingua franca* (*rashtrya bhasha*) of Indian Union and the appointed successor to English language as also the future medium of All-India Services competitive examinations. By making such selection, neither the children nor their parents abandon their *spoken* language, which is Punjabi and *not* Hindi. In order to elucidate the matter, let us take two concrete examples. Prior to the partition of the Punjab in 1947, Urdu was the universal medium of instruction and examinations in all schools, court language and the chief vehicle of Government administration as also of all correspondence and vast fields of journalistic, literary and cultural activities. Despite all this, Punjabi and *not* Urdu was the *spoken* language of all Punjabis, whether Hindus, Muslims, Sikhs or Christians. Again, rich and educated parents put their children in expensive English-medium schools and convents. English continues to be the medium of instruction and examinations in the Universities. All office work at higher level is still carried on in English. All well-educated men and women correspond with their relatives, friends and others in English. Our best newspapers are still in English and we intensely relish reading English books. But for all this, our *spoken* language continues to be Punjabi or Hindi, as the case may be, and *not* English. Thus it will be crystal clear that the mere factum of opting for Hindi for answering question-papers in school examinations by a large percentage of Chandigarh students, is *not at all* a valid reason or basis for concluding that majority of residents of Chandigarh must be Hindi-speaking. It is a great pity that the Punjab Boundary Commission was led to this utterly erroneous conclusion.

9. Facts are facts and will remain facts despite hollow arguments to prove them otherwise. Let any person or group of persons conversant with both Punjabi and Hindi *spoken* languages and equipped with a good tape-recording machine, spend 3 or 4 days in Chandigarh going about in local buses and visiting Roadways bus stand, shopping centres in various sectors, more particularly those in

Sectors 17, 22, 19 and 18, provision stores, restaurants and eating houses, cinemas, the Chandigarh Lake on Saturday and Sunday evenings, public parks, Boys' and Girls' schools and colleges *including* D. A. V. Higher Secondary School and D. A. V. College, professional and technical colleges and institutes, vast Punjab University Campus, various college and University hostels, stadia and play-grounds, Punjab, Haryana and Chief Commissioner's Secretariats, Directorates and other Government offices, other offices, High Court and other courts, post-offices, banks, hospitals and health centres, private practitioner's clinics, clubs and community centres, sports; social and cultural gatherings, public meetings and processions, factories and work-shops, libraries and reading rooms, temples, vegetable and fruit markets, etc. etc., in short, visiting any place in the city where people – young and old – come into contact and communicate with each other by the word of mouth, *spoken* language dinned into the ears as also tape-recorded, will *almost invariably* be Punjabi and *not* Hindi. The only people who speak *bagri*, a dialect of Hindi, are the purely temporary and floating population of unskilled construction workers hailing mainly from Rajasthan. They live with their families in temporary huts and unauthorized structures put up in open spaces in some sectors. Will any of the Haryana leaders, who claim Chandigarh on the basis of language, be good enough to indicate by which other section of the population and in which other accessible places in this city is Hindi *spoken*? Verily, the contention that Chandigarh is a predominantly Hindi-speaking city is a *pure myth*, which is now well on its way to evaporating in the air!

10. Chandigarh Capital came into existence in the year 1952, so there is no such person as *original* resident of Chandigarh. All the present residents of this city, whether Government servants or persons engaged in various commercial, industrial and professional activities or retired men, have shifted here from some place situated in the erstwhile Punjab State or other States of Indian Union or from Delhi, including those who were displaced from West Pakistan in 1947. During the last 12 years, a large number of private persons have purchased residential, commercial and industrial plots in Chandigarh and built them up. With the rapid development of the city, plots as also built up properly have been exchanging hands quite briskly and during the last five years their value has appreciated very considerably.

According to the figures shown in the tabulated statement set out in para 118 of the Punjab Boundary Commission Report, out of 11,486 plots, total number sold to private persons by the Capital

Project authorities, only 1,457 were held by persons from Hindi region of the erstwhile Punjab State, which region now constitutes the Haryana State. Presuming that all the sold plots have been built upon by now, the percentage works out to 12.69. In other words, out of the entire private built-up property in Chandigarh city, *barely* 12.69 per cent is owned by persons of Haryana origin or Hindi-speaking persons. Conversely, 87.31 per cent of such property is owned by persons who are *not* of Haryana origin and who are *not* Hindi-speaking.

Obviously, considered from the important aspect of relative ownership of building property in the city too, Haryana's claim on Chandigarh will be found to be thoroughly unjustifiable.

11. Under the terms of its reference, the Commission was enjoined also to take into account factors of geographic contiguity and facility of communications. Now Hindi-speaking region was contiguous to Chandigarh *merely* in a technical sense and *not* realistically. Ambala district area of the Haryana State was contiguous to Chandigarh only through very sparsely populated Morni Hills of Naraingarh tehsil and there are no connecting means of communication whatsoever. The national highway and the railway line linking Ambala with Chandigarh pass through the Punjab State territory. On the other hand, Chandigarh is connected with all principal towns of the Punjab State by a network of excellent roads. Doubtlessly, Chandigarh is more centrally situated with respect to the Punjab State than with respect to the Haryana State.

Shri Dutt, Member of the Commission, clearly set out the above facts in para 10 of his dissent note on Kharar-Chandigarh. After carefully weighing various relevant considerations discussed in detail in his note, Shri Dutt recommended that Chandigarh should be included in the Punjab State.

12. The capital of pre-partitioned Punjab was Lahore. This beloved city of all Punjabis was unfortunately lost in 1947. Apart from the loss of the Secretariat, Legislative Chambers, High Court and other Government buildings, a large number of well-established institutions like the Panjab University and professional and technical colleges were suddenly uprooted. While the Secretariat and High Court found a refuge in Simla and various Government offices were located in different district towns of the truncated Punjab, the Panjab University set up its administrative office at Solan with its teaching departments scattered all over – Delhi, Hoshiarpur, Simla, Jullundur and Amritsar. The Panjab Engineering College settled itself as a guest institution at Roorkee. The construction of new

capital of the Punjab in lieu of lost Lahore capital was taken up in 1952 and within next three years Punjab Government Printing Press, Engineering College as also the Secretariat and High Court found their permanent abode in Chandigarh. The Punjab University with its various teaching departments and the library settled here in about six years in the vast University Campus, which is a real show-piece of India. Quite a number of institutions like Public Library, Dwarka Das Library, Servants of People Society and Young Men's Christian Association, uprooted from Lahore in 1947, have been rehabilitated in Chandigarh. In short, every aspect of academic, literary, cultural and social activities of Lahore capital city has been revived here by now Government Colleges for boys and girls and the Basic Training College stand established in place of corresponding institutions left at Lahore. Mayo School of Arts is now functioning here upgraded as Government College of Arts and Crafts and the Lahore Museum is being rehabilitated in its own magnificent building. That very famous and outstanding institution of Lahore, namely, D.A.V. High School, stands fully established here as Higher Secondary School, maintaining the same noble traditions and the same lofty standard of instruction and sports. The Mayo Hospital and King Edward Medical College of Lahore have reborn here as grand Post-Graduate Institute of Medical Education and Research. In lieu of the Lawrence Garden, Lahore Canal and the Ravi river, we have in Chandigarh the lovely Leisure Valley and the Lake with all boating facilities of that Lahore river. To compensate the loss of Lahore Mall and Anarkali here we have the posh shopping centre of Sector 17, a replica of Connaught Place, and magnificent Sector 22 market place. So on and so forth.

13. Chandigarh city was situated in Kharar tehsil of Ambala district of the erstwhile Punjab State and the entire Kharar tehsil formed part of the Punjabi region of that State. At the present site of Chandigarh Stood over a score of villages the population of which was Punjabi-speaking. This site was selected in 1951 by a committee of top Punjabi civilians and Engineers and the Master Plan of Chandigarh was prepared and all Government buildings were designed by Punjabi town-planners and architects under the expert guidance of the world famous French architect late Mr. Le Corbusier and his associates. All Government buildings were constructed by Punjabi Engineers, Punjabi contractors and with the help of Punjabi skilled labour.

So one may appropriately ask where do Haryana, Haryanvis or Hindi-speaking come in at all in the matter of Chandigarh city and its population!

14. Chandigarh came into being about six years after the partition of the country and by that time urban people uprooted from Lahore and other towns left in Pakistan had found refuge in Delhi and various towns in the Punjab and other States. However, as this new city developed rapidly with the shifting of the Secretariat, High Court, Government and other offices, during the course of last 12 years a very large number of displaced persons flocked here to purchasing immovable property and taking up various avocations. Apart from Government servants, displaced persons form a major part of the population of Chandigarh. Other Punjabis too, more particularly well-to-do persons, returning from foreign countries like Burma, Malaysia and East Africa and persons retired from Civil and Defence Services made Chandigarh their home.

15. Punjabis paid full price for winning freedom for their beloved country with their blood and tears in as much as some got their near and dear ones killed in the holocaust and all lost their hearths and homes escaping from West Pakistan barely with their lives and honour. Punjabis were deeply attached to their lost cities, more particularly to the capital city of Lahore with all its age-long established institutions. Cruel fate snatched Lahore from Punjabis but Chandigarh was born from the ashes of Lahore. In truth, Chandigarh essentially represents rehabilitation of Lahore with all its institutions and is a true symbol of resurgent Punjab. The city is the very heart and soul of the Punjab State. No wonder, therefore, that every true Punjabi whether he be Hindu, Sikh or Christian, bears a very deep attachment – both sentimental and material – to Chandigarh. Indeed this beautiful modern city is apple of Punjabis' eyes. What Punjabi ever imagined that a time would come when circumstances would so conspire as to present a real threat to the Capital of Punjab State being snatched for a *second time* within a span of 20 years also involving the *re-loss* of not only magnificent Government buildings but also of Panjab University, Engineering College and other Lahore institutions mentioned above, which got rehabilitated at Chandigarh during the course of last 15 years!

16. In sharp contrast, Haryana people did *not* suffer even a skin scratch injury when India became free. They incurred no loss of moveable or immovable property. They had no attachment whatever either for the capital city of Lahore or with other towns lost to the Punjab. Since Chandigarh Capital essentially represented the rehabilitation of Lahore Capital as also of the uprooted urban population, Haryana people had no attachment for this new city either and took little interest in its development and growth during the last

15 years. This is clear from the fact that, as already stated in para 10 above, out of the entire built-up property owned by private persons in Chandigarh, *barely* 12.69 per cent is owned by persons of Haryana origin. It is matter of common knowledge that, apart from a number of lawyers practising at the High Court, only a very small number of Haryanvis have come to settle here or are engaged in professional trade and industrial activities of the city.

17. In the face of the facts stated above, it would not be difficult for any objective observer to judge for himself as to what extent Haryana's claim on Chandigarh Capital was valid or genuine. Haryana leaders' interest in and infatuation for this capital city is of recent origin indeed. Cupid shot the first arrow on the 23rd April, 1966, when it was known that the Punjab Boundary Commission's terms of reference contained a specific mandate for taking 1961 Census linguistic figures as main basis for demarcation of the boundaries of the two States. And since the time two members of the Commission, out of three, in strict obedience to the said mandate, recommended Chandigarh for inclusion in the Haryana State, the prospect of this city falling into their lap has constantly been dangling before the eyes of Haryana leaders. But that was not to be and would *never* be.

Look at Chandigarh from any angle you please, it is a truly Punjabi city. The capital city of Chandigarh did and does belong to the Punjab. It is very significant that on this vital issue all Hindus and Sikhs of the Punjab State stand united as one man and so were *all* political parties in the Punjab, irrespective of their divergent creeds and ideologies. In particular, top leaders of the Punjab Jan Sangh, which organization represents the very core of Punjabi Hindus, have repeatedly declared that Chandigarh is part and parcel of the Punjab and belonged to the Punjab State.

18. To conclude, neither on the basis of *spoken language* (mother tongue) nor on the important consideration of immoveable property owned, nor yet on any other consideration relevant to the issue, there is any justification whatsoever for Haryana's claiming the capital city of Chandigarh. That being so, there is no wonder that Sardar Hukam Singh, former Speaker of Lok Sabha and now Governor of Rajasthan, immediately after the termination of the fast by Sant Fateh Singh, declared in Amritsar that Chandigarh *did* belong to the Punjab and further that any impartial arbitrator was sure to give the award in favour of the Punjab State. Truth of the whole matter is that *even* the intelligentsia of Haryana, including its leaders, quite realize in the heart of their hearts that their claim on

Chandigarh has no legs to stand on. Did not Shri D. D. Puri, former M.P. from Haryana, exclaim *realistically* last winter in New Delhi, "For Haryana Chandigarh is lost. Chandigarh will go to Punjab." In exclaiming so, he was simply *thinking aloud!* In a recent interview granted to "Blitz" correspondent, Rao Birendar Singh, Chief Minister of Haryana, frankly conceded that Chandigarh was Punjabi-speaking and belonged to the Punjab *vide* page 15 of "Blitz" issue April 8, 1967. It is high time, therefore, that other Haryana leaders likewise return to the realm of reality, read the clear writing on the wall and even now withdraw with some grace their hollow and manifestly untenable claim on Chandigarh Capital.

Haryana's leaders have been shifting their stand regarding Chandigarh from time to time. For the last six months or so, they have been repeating parrot-like, "Chandigarh is ours, Shah Commission gave it to us"! None of these leaders has so far ventured to present Haryana's case before the public!

Haryana's new leaders have now backed out of the arbitration commitment! Why?

Because they have no case.

Appendix-20

Venkataramiah Commission Report

Extract of the Justice Venkataramiah Commission Report

Following is the extract of the Justice Venkataramiah Commission report officially released in New Delhi last week.

The Award

Now it is necessary for me to deal with the following questions:

- (i) What should be the reasonable extent of land that should be transferred from Punjab to Haryana in lieu of Chandigarh, i.e. in exchange for the rights Haryana had over Chandigarh?
- (ii) What is the number of villages that should be transferred? This depends on the answer to the first.
- (iii) What is the extent of financial assistance that Haryana should get from the Government of India for building its new capital?
- (iv) What other directions should be issued in the circumstances of the case?

"The total area of 105 villages and two towns in Fazilka and Abohar which the former Prime Minister had agreed to transfer to Haryana in lieu of Chandigarh is stated to be 3.59 lakh acres.

Not accepted by Haryana

Even if they are taken to be 83 villages instead of 105 villages as stated in the Mathew Commission report, the extent would be not less than three lakh acres. The total extent of 483 villages now

claimed by Haryana is stated to be about 4.5 lakh acres. The total extent of the 30 villages which the Commission had picked out according to the 1981 census was about 45,000 acres and because the Commission found it inadequate, it had first proposed to give acquired and developed urban land of 15,000 acres so that a capital could be built. That proposal has not been accepted by Haryana.

Extent of area transfer

"Now the first question is that how many acres of land in Punjab areas in Fazilka and Abohar, the extent of which was more than three lakh acres, should be transferred to Haryana. It is said that the land in that area is much more fertile than the land near places like Patiala or Rajpura or in the vicinity of Chandigarh. At this stage, it is necessary to understand the concept of such transfer. If such transfer had taken place, Haryana would have acquired the powers under the Constitution to administer that area as part of its territory by exercising powers in respect of subjects enumerated in List II and List III to the Seventh Schedule to the Constitution. The power to govern involves generally the power to acquire private property for public use and the power to regulate human life (which are called police powers) by passing laws.

If Fazilka and Abohar areas had been allotted in favour of Haryana, it would have exercised these powers over them. But it would not have thereby become the owner of the rights of private people in their properties in those areas. Haryana would have become entitled to exercise these powers over, in all, about three lakh acres of land and the people living there. It is said that the said area is capable of yielding increased taxes as it has vast scope for economic development. We have now to find out what would be the equivalent of this administrative power.

Interests of Justice

Having regard to all the features of the case, I feel that even though it may not be possible to grant administrative powers over a territory measuring three lakh acres. In the interests of justice, Haryana should be given administrative power over villages and towns measuring in all, at least 70,000 acres, which is about one-fourth of the total area of Fazilka and Abohar. That means as many villages and towns as are necessary to make up 70,000 acres of land should be transferred from Punjab to Haryana in lieu of Chandigarh.

It may be argued that at one stage I had suggested 15,000 acres of land could be a just equivalent to Chandigarh. That has no relevance, in that scheme, the Government of Haryana would have no doubt got not merely administrative control over those 15,000 acres, but also the right over the land which had to be acquired and developed as an urban area and Government buildings had to be constructed by the Central Government. All the land in that area would have been owned by the State of Haryana and all private rights therein would have become extinguished.

Hence we cannot equate the right of a State in the property owned by it with the right to administer a village of the same size in which lands are owned by private persons. Hence, we need not confuse one with the other. As observed by me, the State of Haryana should get in lieu of Chandigarh, administrative control over about 70,000 acres of land in Punjab by being transferred to Haryana. This is my answer to the first question.

Hindi-speaking villages

The next question relates to the number of Hindi-speaking villages that have to be transferred to Haryana. This depends on the extent of "hadbust" each village. It varies from village to village. Some may be big villages and some may be smaller ones. The total extent of all the villages should, however, be 70,000 acres. In order to identify them, it is necessary that the parties should be given the opportunity to place the necessary material. On the 7th of June, I was asked to summon the census figures of 1961 and decide upon them. Even to do that there was no time.

Opportunity to parties

While my firm finding is that at least an area of 70,000 acres should be transferred from Punjab to Haryana in lieu of Chandigarh, I am not now in a position to record a finding on the specific villages that should be transferred. Investigation into this part of the case takes time. Both the parties should be given adequate opportunity to place all the relevant material on the question. Parties seriously dispute the correctness of the census figures. Punjab does not accept the 1961 census figures and Haryana does not accept the 1981 census figures. Anyway, we should give opportunity to prove their cases in accordance with law. This is a time-consuming procedure. It is only to avoid this delay I had asked the Chief Ministers of both the States to discuss with me on the 9th June, 1986, to find out whether there could be any agreement on the villages to be transferred.

Another commission suggested

Since no agreement was possible, it has become inevitable to recommend to the Government of India to appoint another commission to find out those Hindi-speaking villages whose total area is about 70,000 acres which may be transferred in lieu of Chandigarh. I request that I may not be asked to do this work again on personal grounds. I, however add that even now it may not be too late for the Government of India and the Governments of Punjab and Haryana to settle this dispute amicably by identifying the villages to be transferred without insisting upon proof regarding the question whether they are Hindi-speaking or Punjabi-speaking villages.

Cost of new capital

On the third question, I have to observe that I have already held that assistance by the Government of India to the extent of Rs. 10 crores by way of loan which was fixed in 1970 has become unrealistic and wholly inadequate. In view of the submission made by the learned Solicitor-General of India on the above question, I direct that the Government of India shall bear the cost of acquisition of land and its development, for the capital city of Haryana and also the cost of construction of Government buildings necessary for a capital. The question where the capital should be situated shall be decided with the concurrence of the Government of India. If the total cost exceeds Rs. 200 crores, the Government of India may recoup the excess expenditure by sale of sites in the capital project area.

As long as the offices of the Haryana Government continue to function in Chandigarh, it shall be the special responsibility of the Union Government, to provide and ensure adequate security for them. The Union Government shall issue appropriate directions in this regard after consulting all concerned.

Appendix-21

Srinagar Declaration on Centre-State Relations

SRINAGAR DECLARATION*

Members of Drafting Committee

Ashok Mitra	Communist Party of India (Marxist)
K.P. Unnikrishnan	Congress (S)
Raghunatha Reddi ..	Democratic Socialist Party
Mohammad Shafi	National Conference
Chanderjit Yadav.....	Janvadi
I.K. Gujral	United Front
S.S. Barnala	Akali Dal
I.S. Upendra	Telugu Desam
Rajeshwara Rao	Communist Party of India
Dandapani	D.M.K.
Harbans S. Bhalla....	Congress (J)

The Need for Reviewing Centre-States Relations

1. The nation today is in the grip of a crisis and the future of our polity is imperilled. The cherished democratic values of our freedom struggle are under assault, and the assertive trend of centralisation of power leading to authoritarianism has resulted in disturbing signs of alienation in some parts of the country. This dangerous drift has to be halted.

2. The integrity and sovereignty of India must emerge from a conscious effort towards harmonisation of the distinct linguistic, ethnic and cultural entities which constitute our great nation. The golden thread of unity created by the freedom struggle runs throughout the length and breadth of the country; we must ensure that this thread is strengthened in the times to come.

* Agreed statement approved by the participants and released on 8 October 1983.

3. We believe that the Constitution, whatever its limitations, is a document of great relevance to the democratic advance of our people and it has to undergo changes keeping in step with the experiences and demands of the people. It is in this context that this meeting of various political parties, representative of a very wide spectrum of national opinion, has approached the question of restructuring the Union-States relations in its political, economic, legal and constitutional aspects. The meeting believes the appointment of the Sarkaria Commission, though welcome, is an inadequate response to the requirements of the situation.

4. We are deeply aware of the external threats to the nation's security. We are also conscious of a situation of turmoil in many sensitive areas. As a nation, we have, however, deep inner reservoirs of strength to meet such threats and we have no doubt that the people would zealously guard and preserve the priceless treasures of freedom and sovereignty. It is against this background that we consider it altogether relevant to solve expeditiously the problem of Centre-States relations, so that there could be faster and more evenly balanced economic progress for our people. This would also further strengthen the forces of national unity and process of national integration.

Political and Administrative Aspects

5. Although our Constitution was meant to be a federal one, its unitary features have increasingly come to overshadow its federal features. Over the years, because of the persistence of one-party rule both at the Centre as well as in the States, the powers vested in the States have been greatly eroded.

6. All this has given rise to many tensions and disputes between the Centre and the States. It is important to restore and strengthen the autonomy of the States and to strike a proper balance between the powers of the Centre and those of the States, so that the character of our multi-religious, multi-lingual and multi-cultural country is preserved.

7. To this end, it is necessary to curtail the arbitrary powers of the Centre with respect to the States. The dismissal of elected State Governments, the dissolution of State Assemblies and peremptory decisions to hold or not to hold elections must stop.

8. The institution of Governors has been misused for the purposes referred to above. The record proves beyond a shadow of doubt that, in most cases, the Governors have used their office to serve the interests of the ruling party at the Centre. It is unlikely that

they would have acted thus except at the instance of the leaders of the ruling party. The clear intent of the framers of the Constitution and, indeed its letter and spirit have been violated in all significant respects. These are: the appointment of the Governor in consultation with, and with the consent of, the State's Chief Minister; the calibre and stature of the Governors; the security of tenure to which a Governor is entitled; the imposition of President's Rule and the Governor's right and duty freely to discharge his functions without being instructed or dictated by the Centre, especially in regard to the appointment of the Chief Minister and the dissolution of the Legislature. The position of the Governor, we feel, should be in no way different from that of the President. We suggest that the Governor should be appointed by the President on the basis of a panel forwarded by the State Government concerned.

9. In this context, we also feel that Articles 356 and 357 which enable the President to dissolve the State Government or Assembly should be suitably amended. In case of a Constitutional breakdown, provision should be made for holding elections within six months and for installing a new Government. If, however, elections cannot be held, due to such violence as disrupts the normal life making it impossible for a fair and free election, the President will consult the Inter-State Council as proposed in Article 263. Following that, he will place to opinion of the Inter-State Council before Parliament for a decision for the imposition of President's rule for a period not exceeding six months, or otherwise.

10. We are also of the opinion that the following provisions of the Constitution have to be either amended or deleted.

(a) Articles 200 and 201

The State Legislature must be supreme in the sphere of legislation on matters pertaining to the State list and no interference by the Centre or the Governor should be allowed on any ground, except in the case of bills which effect the powers of the High Court.

(b) Article 248 and Entry No. 97 in the Union List

Article 248 and Entry 97 in the Union List empower the Union with the residuary powers concerning all matters. Such residuary powers, we feel, should rest with the States.

(c) Articles 249

Article 249, which empowers the Centre to legislate on a subject

in the State List under the plea of national interest, should be omitted.

(d) Article 252

Article 252, which empowers the Union to legislate on the request of two or more States to pass laws on subjects mentioned in the State List, should also be reviewed and amended.

(e) Article 263

Under Article 263, the President can establish an Inter-State Council. It must be made mandatory for the President to constitute such an Inter-State Council consisting of the Prime Minister and the Chief Ministers of all States. The Council will deal with all disputes between the States and the Union and with any other matter of national importance.

(f) Article 360

Article 360, which empowers the President to interfere in a State Administration on the ground of a threat to financial stability, should be deleted.

(g) Article 365

Article 365, which empowers the President to dismiss the State Government for not implementing the directions of the Centre, should be so amended as to prevent its misuse.

(h) Article 370

The special constitutional status of the State of Jammu and Kashmir under Article 370 should be preserved and protected in letter and spirit.

- (i) A number of other Articles in the Constitution deal with the power and functions of the Governor *vis-a-vis* his Council of Ministers and the Union Government. These articles too should be reviewed.
- (ii) It is also for consideration whether the three lists under Schedule Seven should not be reviewed in the light of our experiences over the past three decades.

12. The Officers of the existing All India Services, when they serve in the States, must be under the supervision and disciplinary control of the State Government. If any appeal is to be lodged

against, any disciplinary action taken by the State Government, the appeal should be referred to administrative tribunals set up for the purpose. The tribunals must be independent of both the State and the Union Governments.

13. The judiciary at all levels must be free from political interference. The judges of the Supreme Court should constitute themselves into a Judicial Council and make recommendations regarding the appointment of judges of the Supreme Court and appointment and transfer of judges of High Court. Before making their recommendations, they should consult the State Governments, the Union Government and the Chief Justices and judges of the High Court. The advice of the Judicial Council of the Supreme Court should be binding on the President.

14. The impartiality and credibility of the Election Commission is an imperative necessity for free and fair elections. The Election Commission should consist of three members to be appointed by the President on the recommendations of the Judicial Council proposed in paragraph 13.

15. Law and order is a State subject, and the prerogative of the State in the matter must be fully respected. There could be occasions when induction of Central Police forces may have to be considered. In all such cases, prior concurrence of the State Governments must be taken. The meeting is firmly of the view that the Disturbed Areas Act should not be extended to any State without the prior approval of the State Government concerned.

16. As the nation knows, the radio and television are being increasingly misused by the ruling party at the Centre. In a democratic society, the people have the right to know the doings and misdoings of those whom they have elected. They have also the right to know and understand details of various opinions regarding government policies. A statutory Central Communications Council should be set up. Its membership should include ministers of Central and State Governments, leaders of political parties and experts. This Council should oversee the functioning of the radio, television and other government-managed media. Similar councils should also be established at the State level.

Economic and Financial Aspects

17. This meeting is of the view that the present economic imbalances and deprivation and backwardness of many States are the consequence of the over-centralisation of economic powers and resources. Structural and other factors have inhibited rapid, and

balanced, growth of State and regions. The present highly centralised pattern of economic and financial administration has resulted in a system where priorities are imposed from above and bear diminishing relevance to the aspirations of the people. The supervision and management of projects too have suffered adversely as a result. Given the overwhelming concentration of resources in its hands, the Centre has often been discriminatory in its allocation of resources as between region and region and State and State.

18. Currently, as much as 70 per cent of the total resources raised in the public domain is retained by the Union Government, and only 30 per cent is available to the twenty-two State Governments. This kind of lop-sided distribution of financial resources is without parallel for a federal polity. The more elastic sources of tax revenue are reserved for the Centre. The States are not allowed any share of the proceeds of the Corporation tax, which these days exceed those from the income tax. The Centre refuses to share with the States the yield from the surcharge on income tax. Article 268 and 269 indicate certain areas of resource-raising which belong to the jurisdiction of the Centre, but the resources thus raised are supposed to be placed with the States; these articles have, however, barely been taken advantage of. The Centre has, on the contrary, encroached on the State's share of sales taxation through the scheme of additional duties of excise. A number of other arrangements, such as fixing a ceiling on the rate of sales taxation for goods 'declared' to be of national importance, or prohibiting the State from imposing sales tax on exportable goods, have deprived the States of their due share of revenue. The reluctance of the Centre to pay the States appropriate royalty for the exploitation of their mineral wealth is a further source of erosion of resources for the States.

19. It is also necessary to mention the pernicious effect of the recently adopted practice of the Union Government to collect additional revenue by raising the administered prices of commodities such as petroleum products, coal, iron and steel, cement, aluminium, etc.; instead of adjusting the rates of excise duties. The States have been deprived of thousands of crores of rupees on account of this practice. Several other instances can be cited about how Central taxes have been adjusted in a manner such as to effect the interests of the States.

20. Another example of the States being deprived of their legitimate share of national resources is illustrated by the case of public borrowings from the market. In the 1950's as much as two-third of the yield from market borrowings used to be allocated to the States, and only one-third was retained by the Centre. In Contrast,

the Centre now retains as much as 90 per cent, leaving just 10 per cent for the States.

21. While the Union Government can take recourse to created money of unlimited quantum, the overdraft which the State Governments are occasionally forced to take from the Reserve Bank of India is subjected to severe limits and conditions, and carries a heavy burden of interest. Similarly, the States have no control over the destination, or terms and conditions, of advances made by the commercial banks, which currently amount to nearly Rs. 40,000 crores. Such is also the case with the investments of public financial institutions.

22. This meeting demands that the following changes in the financial arrangements between the Centre and the States be immediately brought about:

- (a) The proceeds of the Corporation tax and the surcharge on income tax be made shareable with the States;
- (b) The provisions of Articles 268 and 269 be fully taken advantage of;
- (c) The scheme of additional duties of excise be abolished;
- (d) 40 per cent of the yield from every increase in administered prices be passed on to the States;
- (e) A review be made of the principles guiding decisions as regards "declared" goods;
- (f) The royalty payable to the States for their mineral resources be determined on an *ad valorem* basis in consultation with the States;
- (g) The Union Government's policy with respect to created money and overdrafts be reviewed after taking due account of the point of view of the States;
- (h) The State Governments be allowed representation, on a rotational basis, on the central and local boards of directors of the Reserve Bank of India, and they be permitted to open commercial banks to serve the interests of the people; and
- (i) An institutional forum be set up for consultations between the Union and State Governments on fiscal issues which are of mutual concern.

23. The role of economic co-ordination and planning to solve the complex and diverse problems facing our nation can hardly be

over-emphasised. Unfortunately, both the National Development Council, intended as the highest policy-making body on social and economics issues, and the Planning Commission, which is an instrument to implement the Council's directions, have functioned in a manner entirely vitiating their original role. Neither Council nor the Commission has any constitutional or statutory basis. The Council's meetings have been reduced to a ritual; little scope exists at these meetings for any substantive discussion on the grave issues facing the nation. The Planning Commission has similarly been made an appendage of the Union Government and has failed to reflect, or respond to, the needs of the people at the grassroots. The meeting is of the view that both the National Development Council and the Planning Commission be reorganised after effecting necessary constitutional and statutory changes to ensure proper representation of the States on the bodies; the Commission's relationship to the Council should be clearly defined. The composition and functions of the Commission should be such as to make it a nodal agency between the Centre and the States.

24. The present authority of the Planning Commission and the Union Ministry of Finance to offer discretionary grants to the States must be drastically curtailed. Such discretionary transfers now account for more than 70 per cent of the total transfers to the States, and constitute a major source of arbitrary behaviour on the part of the Centre. All financial transfers should belong to the jurisdiction of the Finance Commission. The President should consult the States on the composition and terms of reference of this Commission.

25. In deciding the *inter se* allocation of the aggregate transfers to the States, the first charge must be a minimum earmarking of funds for the relatively backward areas. The Finance Commission must, in addition, take into account the incidence of poverty and the proportion of *harijan* and tribal populations while determining the distribution of resources between the States.

26. Under the existing arrangements, 70 per cent of the Central Plan assistance to the States comes in the form of loans. This meeting demands that all such assistance should be treated as grants, and liabilities incurred by the States on this account should be written off. It further suggests that a National Debt Commission be set up to review the other outstanding debts of the State Governments and suggest measures to phase them out; this Commission should also be empowered to review the Union Government's debts.

27. The meeting recommends that a National Expenditure Commission be set up, on a permanent basis, to advise and counsel

the Union and State Governments on the pattern of their respective expenditures and the scope for economising on them. The relationship between this Commission and the Planning and Finance Commissions should be carefully laid down.

28. It is to be understood that the devolution of resources from the Centre to the States has to be further carried forward within each State to the territorial councils, the Zila Parishads and other local and village bodies so that the interests of the masses can be truly served.

29. The provisions and working of the Industrial (Development and Regulation) Act, this meeting is of the opinion, must be subjected to a thorough review.

30. The Centre's power to regulate inter-State trade should also be similarly reviewed. For example, the present absurdity, whereby foodgrains can be transported by private trade from one State to another, while a State Government agency cannot do so without the Centre's approval, must be brought to an end.

31. We would also urge that the Union Government be persuaded to assume the responsibility for ensuring the supply of 15 to 20 major foodgrains, industrial raw materials and essential commodities all over the country at a uniform price. The concept of national unity loses much of its lustre if essential articles are not equally accessible in all States, or if some of them are available at uniform prices all over the country while others are not. The Centre should seek the co-operation of the States so that these deficiencies are corrected.

Appendix-22

Anandpur Sahib Resolution

There has been much confusion and misunderstanding about the text of the resolution adopted by the working committee of the Akali Dal at Anandpur Sahib. The Shiromani Akali Dal has been consistently making efforts to clear the spirit and the content of the resolution. An authentic English version is being issued for the benefit of non-Punjabi knowing country-men.

Sant Longowal

Resolution No. 1

Moved by S. Gurcharan Singh Tohra, President Shiromani Gurdwara Parbandhak Committee and endorsed by S. Parkash Singh Badal, Chief Minister, Punjab.

The Shiromani Akali Dal realizes that India is a federal and republican geographical entity of different languages, religions and cultures. To safeguard the fundamental rights of the religious and linguistic minorities, to fulfil the demands of the democratic traditions and pave the way for economic progress, it has become imperative that the Indian constitutional infra-structure should be given a real federal shape by redefining the central and state relations and rights on the lines of the aforesaid principles and objectives.

The concept of total revolution given by Lok Naik, Sh. Jaya Parkash Narain is also based upon the progressive decentralization of powers. The climax of the process of centralization of powers of the states through repeated amendments of the Constitution during the Congress regime came before the countrymen in the form of the Emergency, when all fundamental rights of all citizens were usurped. It was then that the programme of decentralization of powers ever advocated by Shiromani Akali Dal was openly accepted by other political parties including Janta Party, C.P.I.(M), A.D.M.K. etc.

Shiromani Akali Dal has ever stood firm on this principle and that is why after very careful considerations it unanimously adopted a resolution to this effect first at All India Akali Conference, Batala, then at Sri Anandpur Sahib which has endorsed the principle of State autonomy in keeping with the concept of Federalism.

As such, the Shiromani Akali Dal emphatically urges upon the Janta Government to take cognizance of the different linguistic and cultural sections, religious minorities as also the voice of millions of people, and recast the constitutional structure of the country on real and meaningful federal principles to obviate the possibility of any danger to National unity and the integrity of the country and further, to enable the states to play useful role for the progress and prosperity of the Indian people in their respective areas by the meaningful exercise of their powers.

Resolution No. 2

The momentous meeting of the Shiromani Akali Dal calls upon the Govt. of India to examine carefully the long tale of the excesses, wrongs, illegal actions committed by the previous Congress government, more particularly during Emergency, and try to find early solution to the following problems :

- (a) Chandigarh, originally raised as a Capital for Punjab, should be handed over to Punjab.
- (b) The long standing demand of the Shiromani Akali Dal for the Panjabi-speaking areas, to be identified by linguistic experts with village as a unit, should be conceded.
- (c) The control of Head Works should continue to be vested in Punjab and, if need be, the Reorganization Act should be amended.
- (d) The arbitrary and unjust Award given by Mrs. Indira Gandhi during the Emergency on the distribution of Ravi-Beas waters should be revised on the universally accepted norms and principles, thereby justice be done to Punjab.
- (e) Keeping in view the special aptitude and martial qualities of the Sikhs the present ratio of their strength in Army should be maintained.
- (f) The excesses being committed on the settlers in the Terai region of U.P. in the name of Land Reform should be vacated by making suitable amendments in the ceiling law on the Central guidelines.

Resolution No. 3

(*Economic Policy Resolution*)

The Chief sources of inspiration of the economic policies and programme of the Shiromani Akali Dal are the secular, democratic and socialistic concepts of Sri Guru Nanak Dev and Sri Guru Gobind Singh Ji. Our Economic programme is based on three basic principles:

- (a) Dignity of Labour.
- (b) An economic and social structure which provides for the uplift of the poor and depressed sections of society.
- (c) Unabated opposition to concentration of economic and political power in the hands of the capitalists.

While drafting its economic policies and programme, the Shiromani Akali Dal in its historic Anandpur Sahib resolution has laid particular stress on the need to break the monopolistic hold of the capitalists foisted on the Indian economy by 30 years of Congress rule in India. This capitalist hold enabled the central government to assume all powers in its hands after the manner of Mughal Imperialism. This was bound to thwart the economic progress of the states and injure the social and economic interests of the people. The Shiromani Akali Dal once again reiterates the Sikh way of life by resolving to fulfil the holy words of Guru Nanak Dev:

“He alone realizes the True Path who labours honestly and shares the fruits of that Labour.”

This way of life is based upon three basic principles:

- (i) Doing honest labour
- (ii) Sharing the fruits of this labour, and
- (iii) Meditation on the Lord's Name.

The Shiromani Akali Dal calls upon the Central and the State Government to eradicate unemployment during the next ten years. While pursuing this aim, special emphasis should be laid on ameliorating the lot of the weaker sections, Scheduled and depressed classes, workers, landless and poor farmers and urban poor. Minimum wages should be fixed for them all.

The Shiromani Akali Dal urges upon the Punjab Government to draw up such an economic plan for the States as would turn it into the leading province during the next ten years, by raising per capita

income to Rs. 3,000/- and by generating an economic growth rate of 7% per annum as against 4% at National level.

The Shiromani Akali Dal gives first priority to the redrafting of the taxation structure in such a way that the burden of taxation is shifted from the poor to the richer classes and an equitable distribution of National income is ensured.

The main plank of the economic programme of the Shiromani Akali Dal is to enable the economically weaker sections of the society to share the fruits of National income.

The Shiromani Akali Dal calls upon the Central Government to make an international air-field at Amritsar which should also enjoy the facilities of a dry port. Similarly a Stock Exchange should be opened at Ludhiana to accelerate the process of industrialization and economic growth in the State. The Shiromani Akali Dal also desires that suitable amendments should be made in the Foreign Exchange rules for free exchange of foreign currencies and thereby removing the difficulties being faced by the Indian emigrants.

The Shiromani Akali Dal emphatically urges upon the Indian Government to bring a parity between the prices of the agricultural produce and that of the industrial raw materials so that the discrimination against such states which lack these materials may be removed.

The Shiromani Akali Dal demands that the exploitation of the producers of the cash crops like cotton, sugarcane, oil seeds etc. at the hands of the traders should be stopped forthwith and for such a purpose arrangements for the purchase of these crops by the government at remunerative prices, should be made. Besides, effective steps should be taken by the government for the purchase of cotton through the Cotton Corporation.

The Shiromani Akali Dal strongly feels that the most pressing National problem is the need to ameliorate the lot of millions of exploited persons belonging to the scheduled classes. For such a purpose the Shiromani Akali Dal calls upon the Central and State Governments to earmark special funds. Besides, the State Governments should allot sufficient funds in their respective budgets for giving free residential plots both in the urban and rural areas to the scheduled castes.

The Shiromani Akali Dal also calls for the rapid diversification of farming. The Shortcomings in the Land Reforms Laws should be removed, rapid industrialization of the State ensured, the credit facilities for the medium industries expanded and unemployment allowance given to those who are unemployed. For remunerative

farming, perceptible reduction should be made in the prices of farm machinery like tractors, tubewells as also the inputs etc.

Resolution No. 4

This huge session of the Shiromani Akali Dal regrets the discrimination to which the Panjabi language is being subjected in the adjoining States of Himachal, Haryana, Delhi and Jammu and Kashmir etc. It is its firm demand that in accordance with the Nehru Language Formula, the neighbouring States of Punjab should give 'second' language status to the Panjabi language because a fairly large section of their respective population are Panjabi-speaking.

Resolution No. 5

The meeting regrets that against the 'claims' of the refugees who had migrated to Jammu and Kashmir as a result of the partition of the country, no compensation has been provided to them even after such a long time and these unfortunate refugees are rotting in the camps ever since then.

This Akali Dal Session, therefore, forcefully demands that their claims should be soon settled and immediate steps should be taken to rehabilitate them even if it involves an amendment in section 370.

Resolution No. 6

The 18th session of the All India Akali Conference takes strong exceptions to the discrimination to which the minorities in other states are being subjected and the way in which their interests are being ignored.

As such, it demands that injustice against the Sikhs in other states should be vacated and proper representation should be given to them in the government service, local bodies, state legislatures, through nomination, if need be.

Resolution No. 7

The 18th Session of the All India Akali Conference notes with satisfaction that mechanization of farming in the country has led to increase in the farm yield and as a result the country is heading towards self-sufficiency.

However, the session feels that poor farmers are unable to take to mechanization because of the enormity of the cost involved.

As such, the Shiromani Akali Dal urges upon the Government of India to abolish the excise duty on tractors so that with the

decrease in their prices the ordinary farmers may also be able to avail of farm machinery and contribute to the growth of gross agricultural produce of the country.

Resolution No. 8

The meeting of the Shiromani Akali Dal appeals to the Central and State governments to pay particular attention to the poor and labouring classes and demands that besides making suitable amendments in the Minimum Wages Act, suitable legal steps should be taken to improve the economic lot of the labouring class to enable it to lead a respectable life and play a useful role in the rapid industrialization of the country.

Resolution No. 9

This session seeks permission from the Government of India to instal a broadcasting station at Golden Temple, Amritsar, for the relay of 'Gurbani Kirtan' for the spiritual satisfaction of those Sikhs who are living in foreign lands.

The session wishes to make it clear that the entire cost of the proposed Broadcasting Project would be borne by the Khalsa Panth and its over-all control shall vest with the Indian Government. We have every hope that the government would have no hesitation in conceding this demand after due consideration.

Resolution No. 10

The huge Session of the Shiromani Akali Dal strongly urges upon the Government of India to make necessary amendments in the following enactments for the benefits of the agricultural classes who have toiled hard for the larger National interests:

1. By suitable amendment in the relevant clause of the Hindu Succession Act, a woman should be given rights of inheritance in the properties of her father-in-law instead of the father's.
2. The agricultural lands of the farmers should be completely exempted from the Wealth Tax and the Estate Duty.

Resolution No. 11

The vast Session of the Shiromani Akali Dal strongly impresses upon the Government of India that keeping in view the economic backwardness of the scheduled and non-scheduled castes, provisions,

proportionate to their population, should be made in the budget for utilization for their welfare. A special ministry should be created at the centre as a practical measure to render justice to them on the basis of reservation.

The Session also call upon the government that in keeping with the settlement already, no discrimination should be made between the Sikh and Hindu Harijans in any part of the country.

Resolution No. 12

The Congress Government is called upon to vacate the gross injustice, discrimination done to Punjab in the distribution of Ravi-Beas waters. The Central Government must also give approval for the immediate establishment of six sugar and four textile mills in Punjab so that the state may be able to implement its agro-industrial policy.

Basic Postulates of the Shiromani Akali Dal

As adopted by the Working Committee of the Shiromani Akali Dal at its meeting held at Sri Anandpur Sahib on 16-17 October, 1973.

(A) Postulates

1. The Shiromani Akali Dal is the very embodiment of the hopes and aspirations of the Sikh Nation and as such is fully entitled to its representation. The basic postulates of this organisation are Human Co-existence, Human progress and ultimate unity of all Human beings with the Spiritual Soul.
2. These postulates are based upon the three great principles of Sri Guru Nanak Dev Ji, namely, a Meditation on God's Name, dignity of labour and sharing of fruits of this Labour.

(Nam japo, kirat karo, wand chhako)

(B) Purposes

The Shiromani Akali Dal shall ever strive to achieve the following aims:

1. Propagation of Sikhism and its code of conduct; denunciation of atheism.
2. To preserve and keep alive the concept of distinct and independent identity of the Panth and to create an environment in which national sentiments and aspirations of the

Sikh Panth will find full expression, satisfaction and growth.

3. Eradication of poverty and starvation by increased production and more equitable distribution of wealth and the establishment of a just social order sans any exploitation.
4. Vacation of discrimination on the basis of caste, creed or illiteracy in keeping with basic principles of Sikhism.
5. Striving for the removal of diseases and ill-health, denunciation of use of intoxicants and enlargement of facilities for physical well-being to prepare and enthuse the Nation for the National defence.

Political, Economic and Cultural Demands

1. As per the Anandpur Sahib Resolution, the S.A. Dal is firmly convinced that progress of States would entail prosperity of the Centre, for which suitable amendments should be made in the Constitution to give more rights and provincial autonomy to States. The Centre should retain Foreign Affairs, Defence, Currency and Communications (including means of transport) while the remaining portfolios should be with the States. Besides, the Sikhs should enjoy special rights as a nation.
2. Merger of Punjabi-speaking areas and Chandigarh into Punjab.
3. Handing over of dams and headworks in the State to Punjab and re-distribution of river waters as per national and international rules.
4. Second language status to Panjabi language in Haryana, Delhi, Himachal Pradesh and Rajasthan.
5. Stoppage to uprooting of Punjabi farmers from Terai area of U.P.
6. Setting up of a dry port at Amritsar.
7. A licence should be granted for a New Bank in place of the Punjab and Sind Bank, which should be under Sikh control and remunerative price should be fixed for agricultural products by linking it to the index of industrial production.

Appendix-23

The Ludhiana Resolution (1978)

The Akali Dal released on November 11, 1982, in Amritsar, an English version of the political resolution adopted at the all-India Akali Conference held at Ludhiana on October 28 and 29, 1978. The Dal stated that the resolution was adopted "in the light of the Anandpur Sahib resolution", which was "the draft of the new policy of the Akali Dal" and was a collection of 12 resolutions. (*The Tribune*, Chandigarh, November 12, 1982) The following is the text of the resolution (*ibid.*):

The Shiromani Akali Dal realises that India is a federal and republican geographical entity of different languages, religions and cultures. To safeguard the fundamental rights of the religious and linguistic minorities, to fulfil the demands of the democratic traditions and to pave the way for economic progress, it has become imperative that the Indian constitutional infrastructure should be given a real federal shape by redefining Centre-state relations and rights on the lines of the aforesaid principles and objectives.

The concept of total revolution given by Loknayak Jayaprakash Narayan is also based on progressive decentralisation of power. The climax of the process of centralisation of power of the states through repeated amendment to the constitution during the Congress regime came before the countrymen in the form of the Emergency, when all fundamental rights were usurped. It was then that the programme of decentralisation of power advocated by the Shiromani Akali Dal was openly accepted and adopted by other political parties, including the Janata Party, the C.P.(M) and the ADMK.

The Shiromani Akali Dal has ever stood firm on this principle and that is why after careful consideration it unanimously adopted a resolution to this effect, first at the all-India Akali conference at Batala and then at Sri Anandpur Sahib, which endorsed the principle of state autonomy in keeping with the concept of federalism.

As such, the Shiromani Akali Dal emphatically urges the Janata government to take cognisance of the different linguistic and cultural sections, religious minorities and the voice of millions of people and recast the constitutional structure of the country on real and

and meaningful federal principles to obviate the possibility of any danger to national unity and the integrity of the country as also to enable the states to play a useful role in the progress and prosperity of the Indian people in their respective areas by a meaningful exercise of their powers.

Through resolution No. 2 the party has demanded that the injustice done to Punjab over the years should be undone.

The following is the text of this resolution:

The momentous meeting of the Shiromani Akali Dal calls upon the government of India to examine carefully the long tale of excesses, wrongs, and illegal actions of the previous Congress government, more particularly during the Emergency, and try to find early solutions to the following problems:

- (a) Chandigarh originally raised as a capital for Punjab, should be handed over to Punjab.
- (b) The long-standing demand of the Shiromani Akali Dal for the merger with Punjab of the Punjabi-speaking areas to be identified by linguistic experts with the village as a unit should be conceded.
- (c) The control of headworks should continue to be vested in Punjab and, if need be, the Reorganisation Act should be amended.
- (d) The arbitrary and unjust award given by Mrs. Indira Gandhi during the Emergency on the distribution of Ravi-Beas waters should be revised on the universally accepted norms and principles and justice should be done to Punjab.
- (e) Keeping in view the special aptitude and martial qualities of the Sikhs, the present ratio of their strength in the army should be maintained.
- (f) The excesses being committed on the settlers in the Terai region of U.P. in the name of land reforms should be stopped by making suitable amendments to the ceiling law on the basis of Central guidelines.

Appendix-24

Akalis' Memorandum to the Sarkaria Commission

*Shiromani Akali Dal's case on the Centre-State
relationship as envisaged in the historic Anandpur
Sahib Resolution*

The Shiromani Akali Dal has remained consistently in the forefront of the national forces that have been seeking systemic changes in Indian polity – the kind of systemic changes that would on the one hand provide full avenues and opportunities of self-development to various communities and regions, and on the other hand ensure a stronger united India. From this angle the restructuration of the Centre-State relationship on the federal lines and the consequential decentralization of power is imperative if the national system is to realize the Directive Principles of State Policy in an effective way. A basic change in the organisation of political power is a must if the nation is to resolve the crises in which it finds itself today.

It is in this context that the real essence and significance of the historic Anandpur Sahib resolution becomes manifest. A comprehensive policy programme – social, economic, political etc. – drafted by a sub-committee was approved by the Working Committee of the Shiromani Akali Dal in October, 1973 at Sri Anandpur Sahib, the political part of the programme related to the provincial autonomy in a federalized set up. This has come to be known as the Anandpur Sahib Resolution, which was envisaged to be referred to this Hon'ble Commission in the Rajiv-Longowal Accord on Punjab. The theological language of the resolution approved by the Working Committee in 1973 lends itself to correct interpretation only if it is understood in the context of the Sikh lore. The political part of the policy programme approved by the Dal's Working Committee in 1973 at Sri Anandpur Sahib was drafted into a political resolution on the autonomy of the States in federalized set-up, and was passed by the 18th All India Akali Conference held at Ludhiana in 1978. It is the Ludhiana version of 1978 that was authenticated by Sant

Harchand Singh Longowal as the essence of the Anandpur Sahib Resolution (copy annexed). As is clear from the text, it pleads for stronger States, for corporate identities of different communities, as much as for "National unity and the integrity of the Country".

It is pertinent to recapitulate here that the Congress Party right from its inception and throughout the struggle for national independence had been pleading for a federal set up for free India. The Congress leaders including Pt. Moti Lal Nehru, Mahatma Gandhi, Pt. Jawahar Lal Nehru, Maulana Abul Kalam Azad on different occasions had interpreted Swaraj as connoting grassroots power for the people with greater authority vesting with the Provinces. A few instances to substantiate this point would suffice here. The criticism of the Government of India Act, 1935 by the Congress Party was mainly on the ground that it did not bestow sufficient powers on the provincial Governments in the political dispensation as laid down therein. This stand of the Congress Party was formalised at its 51st Session held at Haripura in 1938 when federal system with autonomous Provinces as its constituents was strongly reiterated. Further, Cabinet Mission Plan also provided that only three subjects would vest with the Central Government – these being Defence, Foreign Affairs and Communications. Apropos of the Cabinet Mission Congress Party had "suggested that the future framework of the Country's Constitution be based on a federal structure with a limited number of compulsory central subjects such as defence, communications and foreign affairs; the federation would consist of autonomous Provinces in which would vest the residuary subjects. The Congress also suggested that there should be a list of "optional subject" in respect of which any Province or group of Provinces would be free to accept federal executive and legislative jurisdiction. It was proposed that on the completion of the constitution making process a Province could elect to stand out of the Constitution altogether, or federate on the essential minimum subjects or federate on the essential as well as the optional subjects. (Framing of India's Constitution, Editor, B. Shiva Rao, Indian Institute of Public Administration, 1968, Page 65.) It was in terms of this Cabinet Mission Plan that the Constituent Assembly came into existence with approval thereof by the Congress Party. In this context, it would be relevant to quote the views of Maulana Abul Kalam Azad who held extensive negotiations with the members of the Cabinet Mission as representative of the Congress Party.

I gave continuous and anxious thought to this subject. All over the world, the tendency was for the decentralisation of power. In a

country so vast as India and with people so diverse in language, customs and geographical conditions, a unitary Government was obviously most unsuitable. Decentralisation of power in a federal Government would also help to allay the fears of the minorities. Ultimately, I came to the conclusion that the Constitution of India must, from the nature of the case, be federal. Further, it must be so framed as to ensure autonomy to the Provinces in as many subjects as possible. We had to reconcile the claims of provincial autonomy with national unity. This could be done by finding a satisfactory formula for the distribution of power and functions between the Central and the Provincial Governments. Some powers and functions would be essentially central, others essentially provincial and some which could be either, provincially or centrally exercised by consent. The first step was to devise a formula by which a minimum number of subjects should be declared as essentially the responsibility of the Central Government. These must belong to the Union Government compulsarily. In addition, there should be a list of subjects which could be dealt with centrally if the provinces so desired. This might be called the optional list for the Central Government and any province which so wished could delegate its powers in respect of all or any of these subjects to the Central Government. ("India Wins Freedom by Maulana Abul Kalam Azad; Orient Longmans; M.D.P.P. 140".) Maulana Azad further observes that "I have already mentioned that the Cabinet Mission published its scheme on 16th May. Basically, it was the same as the one sketched in my statement of 15 April. The Cabinet Mission Plan provided that only three subjects would belong compulsorily to the Central Government. These were Defence, Foreign Affairs and Communications, which I had suggested in my scheme"....¹⁴⁹ *ibid.*

When on an appeal made by the Congress Party through a resolution the Sikh representatives of the Shiromani Akali Dal joined the Constituent Assembly it was on the basis of the Congress assurance that all avenues and opportunities would be provided to the Sikhs as a minority for their self-development in a federal set up. The Akali Dal continued its crusade for realisation of the assurances given to them in the Constituent Assembly. When ultimately the pledges given to the Sikhs and other minorities by the Congress leadership were not redeemed while framing and adopting the Constitution, the representatives of the Shiromani Akali Dal declined to append their signatures to the Constitution of India to register their protest. This change of attitude becomes all the more conspicuous when one realises that Pt. Jawahar Lal Nehru while

moving the objectives Resolution in the Constituent Assembly of India on Dec.13, 1946, had said that various territories constituting independent India "shall possess and retain the status of autonomous units together with residuary powers.....". Further the Congress Party manifesto for Central Legislative Assembly election in October, 1945, as drafted by Pt. Nehru, declared as under:

"The Congress has stood for the unity of all communities and religious groups in India and for tolerance and goodwill between them. It has stood also for the right of the Indian people as a whole to have full opportunities for growth and self-development according to their wishes and the genius of the nation; it has stood also for the freedom of each group and territorial area within the nation to develop its own life and culture within the larger framework. For those who suffer from social tyranny and injustice, it had stood for the removal of all barriers to equality and special help from the State and society in order to raise them from their backward and depressed state.

The Congress has envisaged a free, democratic State with the fundamental rights and civil liberties of all the citizens guaranteed in the Constitution. This Constitution, in its view, should be federal one with a great deal of autonomy for its constituent units."

The Anandpur Sahib resolution which pleads for really autonomous States characterized by decentralisation of power, with the Centre retaining the federal functions in respect of Defence, Foreign Affairs, Communications & Railway and Currency, is in consonance with what Pt. Nehru had been urging for before 1947. The Anandpur Sahib resolution is in a sense, a plea for fulfilling even at this belated stage the assurance given by Pt. Nehru and other national leaders of the independence struggle to the Sikhs and other minorities that they would be in their corporate being co-sharers in the political sovereignty of free India and that they would have full opportunities for preserving their identity as well as all avenues for autonomous self-development.

By way of elaboration and concretization of its Anandpur Sahib resolution, the Shiromani Akali Dal proposed *inter alia* the following definitive measures:

- (1) The Preamble to the Constitution should be amended so as to incorporate the expression "federal" to characterize the

Republic of India as such. This is essential to underline that the Indian system is basically of federal nature; this would halt the gradual drift towards unitarian set-up.

- (2) There should be re-distribution of subjects among the Union List, the Concurrent List and the State List on the basis of federal principles, as sought by Shiromani Akali Dal in the Anandpur Sahib Resolution.
- (3) The residual powers should vest with the States.
- (4) The Centre should not have the power or competence to destroy or dilute the ethnic, cultural and linguistic self-identity of a federating constituent unit.
- (5) The members of the Rajya Sabha should be elected on the principle of equality of the States as autonomous units with equal representation. In other words the Rajya Sabha should become representative of the States. The diversity of nationalities and religious, linguistic, cultural and ethnic minorities should be adequately reflected in the composition of Rajya Sabha.
- (6) While restricting the imposition of emergency only in the event of exceptional circumstances (foreign aggression), it should be constitutionally ensured that during the proclamation of Emergency the federal set-up remains intact.
- (7) The legislature of a State should have exclusive power and competence to legislate over matters given in the re-drawn State List.
- (8) Executive power in respect of matters included in the Concurrent List, irrespective of the fact as to whether legislation is by the Centre or by the State, should vest with the States.
- (9) The institution of Governor, his powers, functions and duties should be brought in line with a federal polity so that the Governor does not remain an executive agent of the Centre but becomes a truly constitutional Head of the State.
- (10) Constitutional provisions which empower the Centre to dissolve a State Government and/or its assembly should have no place in a federal frame-work. In the event of constitutional break-down in a State, there should be a provision

for immediate holding of elections and installation of a new democratic Government. If there is no provision for the President to take over the Central Government in the event of failure of constitutional processes, then, there is no justification for the Presidential powers when a similar contingency arises in a State.

- (11) The taxing powers should be federalised; the Union taxes/duties should be demarcated from the States' domain of taxation. Apart from statutory share in the Union Revenues, the State should have the exclusive power to levy, collect and retain the taxes/duties within their own sphere. For the purpose of uniformity of taxation in the States, the Centre may issue guidelines from time to time. Income tax should be provincialised; though it may be levied by the Centre for the sake of uniformity, the collection should be by and through the State Agencies.

The Finance Commission should be reactivated to discharge its constitutional duties, thus dispensing with the extraneous role of the Planning Commission which has not only imposed centralized planning but also made the States dependent on the discretionary funds provided by the Centre.

- (12) The present pattern of centralized planning should be decentralized and democratized enabling the States to draft their respective plans according to their own needs, imperatives and priorities. To ensure participation of the masses in the planning process, its decentralization is a "must".
- (13) To ensure executive autonomy of the State, it is essential that the vast directive powers vesting with the Centre should be dropped so that the States do not remain subservient to the Central Executive; in place of the directive powers there should be provision for coordination and consultative machinery among the States as also between the Union and the States.
- (14) The field of All India (federal) Services should be demarcated from the field of the State Executive machinery. The executive machinery in the State should be under the direct control and discipline of the State Government itself.

The imperatives of pluralistic society of India characterised by the Nehru concept of unity in diversity demands a truly federalised set up which is essential for ethno-political development of the minorities as also for the growth of the grass-roots democracy which alone would ensure strong, prosperous and united India.

(Manjit Singh Khaira)
General Secretary.

(Surjit Singh Barnala)
President.

Appendix-25

Home Minister's Statement

**Statement of Home Minister in Parliament
on February 28, 1984**

THE SITUATION IN PUNJAB

The House will discuss the situation in Punjab against the sombre background of continuing violence against innocent persons. It is tragic that this violence is being deliberately engineered to create bitterness and distrust between Hindus and Sikhs. Not only the Government but the entire country is concerned over these trends which militate against national unity. It is therefore necessary that the debate should keep the perspective of national unity in view so that it may contribute to a solution of the problems facing us today.

Brief Background

Before I deal with recent tragic happening in Punjab, I would like to give the House a brief background of the talks that Government have been having with the representatives of the Shiromani Akali Dal on the various demands of the Party.

The Government have been discussing over a long period with the Shiromani Akali Dal the various demands raised by them. The demands fall into three broad categories, viz. (1) those which concern the Sikh community as a religious group; (2) those which relate to the State of Punjab *vis-a-vis* other States; and (3) those which relate to certain general issues.

Religious Demands Accepted

The Government have in effect accepted all the religious demands of the Akali Dal. The Government have already announced that in the walled city of Amritsar including Harmandir Sahib and areas around Durgiana Temple, the sale of tobacco, liquor and meat will be banned within a demarcated area. Government also agreed to

direct relay from Jalandhar Station of All India Radio of Gurbani from the Golden Temple for a duration of one and a half hours in the morning and half-an-hour in the evening. The carrying of Kirpans, conforming to certain specifications, by Sikhs on domestic flights has also been agreed to. Even in regard to the All India Gurdwara Act, which affects States other than Punjab and Sikh communities in those States, Government indicated their readiness to consider the formulation of a Bill covering specified historical Gurdwaras in consultation with the SGPC, State Governments concerned and other interested parties. However, the Akalis have been insisting that consultation should only be with the SGPC and that it is for the Government to get the concurrence of all other parties concerned before enacting the Bill. The Akali Dal has not furnished a list of historical Gurdwaras and at different meetings, different figures have been given, ranging from 10 to 30.

As regards relay of Gurbani from the Golden Temple the Akalis are asking for longer duration. Even though the Government had made arrangements for installing facilities for the relay of Gurbani and had deputed personnel for this purpose, Government have not received the requisite cooperation in the installation of the equipment.

River Waters Issue

As regards river waters dispute, the Government's stand has always been that it concerns the entire people of Punjab as well as of Haryana and, therefore, a settlement on this issue has to take into account the interests of both States.

The Government were willing to refer the river waters dispute between Punjab and Haryana to a Tribunal presided over by a Judge of the Supreme Court to be appointed under the Inter-State Water Disputes Act. The Akali Dal has not maintained a consistent position on this issue. At one stage it was only a question of the Ravi-Beas waters. Subsequently, the question of Jamuna waters was raised by the Akali Dal. They have also sought to re-open the question of the allocation to Rajasthan, which the House will recollect was settled much earlier. The Government's stand is clear. It is only the dispute between Punjab and Haryana relating to the surplus Ravi-Beas waters arising as a result of the Punjab Re-organisation Act that should be adjudicated upon by a Tribunal. The issues relating to Rajasthan's share and the question of the Jamuna waters cannot be thrown open in this context.

Territorial Dispute

As regards the territorial dispute, Members will recall that the Shah Commission had given Chandigarh to Haryana and it was in 1970 that Smt. Indira Gandhi as the Prime Minister decided that Chandigarh should go to Punjab and that Abohar and Fazilka will go to Haryana and that all other claims and counter-claims will be referred to a Commission. The Akali Dal demand is that while Chandigarh should be immediately transferred to Punjab, all other claims and counter-claims including those relating to Abohar and Fazilka should be referred to a Commission. All sections of the Haryana people are opposed to this.

The Government have done their utmost to be helpful, without being unfair to any State, and have announced their willingness to abide by any one of the following four alternatives:

- (i) Implementation of the 1970 Award;
- (ii) Referring all disputes and claims including the question of Chandigarh to a new Commission;
- (iii) Dividing Chandigarh between Punjab and Haryana and referring the remaining disputes to a Commission; and
- (iv) Adopting any other alternative acceptable to both the States.

The Akali Dal is not willing to accept any of these alternatives.

Centre-State Relations

Under the general issues, the main demand of the Akali Dal has been for the appointment of a Committee of legal experts to review the question of Centre-State relations, as demanded by their Anandpur Sahib Resolution. Government have already appointed the Sarkaria Commission with appropriate terms of reference for examining the issues relating to Centre-State relations consistent with the requirements of national unity and integrity. The Akali Dal is insistent that the Government should make a specific mention of the Anandpur Sahib Resolution while referring the matter to the Sarkaria Commission. Honourable Members will agree that the kind of propositions contained in the Anandpur Sahib Resolution cannot be subscribed to by those who have the unity and integrity of the nation at heart. At one stage Akali Dal agreed to give up this demand but have subsequently revived it. The Akali Dal is at liberty to place any submission which they wish to make, before the Sarkaria Commission, which falls within its terms of reference.

No assurances from Akali Dal

In the course of negotiations, Government have sought assurances from the Akali Dal that religious places should not be used for the storage of arms or for harbouring those wanted by law enforcement authorities. Assurances were also sought that disputes with religious groups should be settled peacefully and without violence. No such assurances have been forthcoming. On the other hand, violence has escalated and the Golden Temple Complex has been allowed to be used for hoisting the so-called Khalistan Flag. The perpetrators of the seditious act are yet to be surrendered to be dealt with according to law.

And now the Akali Dal has raised a new demand, asking for amendment of Article 25 of the Constitution. What is more, instead of proceeding to seek an amendment through constitutional means, they have resorted to a programme of burning a part of the Constitution. This deliberate display of disrespect to the Constitution has shocked the entire nation.

Government's Readiness for Negotiations

Government have always expressed their readiness to find solutions through negotiations. It was in this spirit that the Government invited the leaders of Opposition parties to participate in the talks with the Akali Dal. The tripartite conference on the 14th February was one more such effort in this direction.

The main issue discussed at the tripartite meeting was the one relating to territories. Some useful suggestions emerged and the meeting was adjourned to the next day to resume further discussions on them. In the meanwhile communal violence broke out in various parts of Punjab, and the meeting decided, following the suggestions made by the Opposition leaders and Akali Dal representatives, to adjourn for a short interval to enable the Akali Dal leaders to return to Punjab and help in the process of restoring peace and normalcy in that State.

The general expectation was the meeting would be resumed after three or four days. In fact the meeting was proposed to be convened on the 20th. But Government have learnt with regret the reported decision of the Akali Dal that they would not participate further in the tripartite talks. Meanwhile, acts of violence on a considerably escalated scale have continued in Punjab. The sudden eruption of violence in several places in Haryana has aggravated the situation.

Continuing Agitation

Hon'ble Members are aware that the Akali Dal had given a call for a Punjab Bandh on the 8th February, as a part of their continuing agitation. Even though there was no loss of life, the Bandh resulted in serious disruption of road and rail traffic and considerable inconvenience to the public.

A call for a Bandh in Punjab, Haryana and Himachal Pradesh on the 14th February was given by the Hindu Suraksha Samiti supported by certain other organisations. The Bandh was opposed by some organisations and several clashes and incidents of violence took place. Amongst these was the vandalism indulged in by a mob at the Amritsar railway station resulting in damage to articles which hurt the sentiments of one community. In another incident there was unprovoked firing from inside the Golden Temple complex in which four persons, including a policeman, lost their lives. In the clashes that took place on that day, 11 lives were lost and 76 persons were injured, including 18 policemen. The situation in Himachal Pradesh and Haryana remained by and large peaceful on that day.

Certain incidents followed in other places in Punjab and in Haryana. Bandhs, hartals and sporadic violence were reported from several places. On the 17th instant, there was a very serious incident in Amritsar. There was unprovoked firing from the Golden Temple complex at the police personnel on duty. The policemen returned the fire in self defence. Intermittent firing continued for a considerable time causing serious tension and fear among the people of the locality. The Home Secretary was deputed to visit the more seriously affected places in Haryana and Punjab.

On the 19th there was another serious incident of clashes in Panipat between two communities resulting in the death of eight persons. Forty-six persons were rescued by the police from a place of worship. The police had to resort to firing to bring the situation under control. Reinforcements of para-military forces were rushed to Haryana. I visited Haryana on the 20th and reviewed the situation with the Chief Minister and representatives of different sections of the public. The Minister of Energy visited Amritsar and held similar discussions there.

Extremist Elements

Unfortunately, the situation in Punjab got aggravated by a series of acts of violence and killings by extremist elements. Several incidents of killings have taken place almost every day since 21st February

and, according to reports received so far, 44 lives have been lost. The number of persons injured is over 58.

The wanton killings of innocent persons, including women and children, have shocked the nation. I am sure this House will join me in expressing sympathy once again with the families of those who have been killed and in condemning the forces which are trying to spread terror. I have no doubt that the House will reiterate its abhorrence at the use of religious places for storage of arms and harbouring of criminals wanted by law enforcement authorities.

Communal Violence Condemned

Communal violence, destruction of properties and desecration of places of worship, whether done by Hindus or Sikhs, deserves the strongest condemnation. Neither can there be any justification for what is claimed to be counter-violence or retaliatory violence. I wish to assure the House that Government will take every possible step to stamp out violence ruthlessly, whatever may be the cost. Action has already been taken to strengthen and streamline the law and order machinery in Punjab and strict instructions have been issued to deal with violence wherever it occurs - Punjab, Haryana, or elsewhere - with utmost firmness. The situation in Haryana has improved and I trust it will remain peaceful.

Government have throughout expressed their readiness for a settlement through negotiations. However, I am sure that the House and the nation will agree that terrorism and violence should not be allowed to have a premium in resolving disputes.

Appendix - 26

Notification Declaring 'National Council of Khalistan' Unlawful

On May 3, 1982 the Home Minister issued the following Notification regarding declaration of the National Council of Khalistan an unlawful organisation:

S.O. 296(E). Whereas the organisation now as 'the National Council of Khalistan' (hereinafter referred to as the Council):

- (i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary General, proclaimed as its objective the establishment of an autonomous separate Sikh State of 'Khalistan' has been encouraging the secessionist and violent activities of the organisation known as 'Dal Khalsa';
- (ii) had, in furtherance of the aforesaid objective, indulged in secessionist activity by issuing --
 - (a) five dollar currency Notes of the so-called Republic of 'Khalistan';
 - (b) postage stamps of 'Khalistan'; and
 - (c) passports of the so-called Government of 'Khalistan';

And Whereas the Central Government is of opinion that for the reasons aforesaid, the Council is an unlawful association;

And Whereas the Central Government is further of opinion that because of the encouragement being given to the 'Dal Khalsa' by the Council for the furtherance of its objective it is necessary to declare the Council to be unlawful with immediate effect ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares 'the National Council of Khalistan' to be an unlawful association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

Appendix - 27

Sant Harchand Singh's Letter to Members of Parliament

Open Letter of Sant Harchand Singh Longowal President, Shiromani Akali Dal addressed to Members of Parliament (Monsoon Session 1983)

"Hon'ble Members of Parliament"

The august body of which you are privileged to be the members, embodies the hopes and aspirations of all sections of people inhabiting different parts of India. However, you owe a special responsibility to the socio-religious minorities who had, in the words of Dr. Ambedkar, "willingly accepted the rule of the majority" and, for which reason, Pandit Nehru had emphasised at the time of adoption of the Constitution that 'it is an act of faith for the majority community' to behave towards them in a generous, fair and just way (*Proceedings of the Constituent Assembly*).

The most prominent of such minorities are the Sikhs. Notwithstanding their limited numerical strength, they have played a singularly conspicuous and courageous role in the socio-spiritual and political regeneration of this Land. Besides hastening the fall of the corrupt and tyrannical Mughal rule, they saved the geographical integrity of India at a vey bitter cost, against Afghan aggression in the eighteenth century. And, above all, during the Freedom Struggle against the British rule, the contribution of the Sikhs, in men and material both, is the tallest. Out of a total of 121 men who kissed gallows, as many as 93 were Sikhs, and similarly, of a total of 2646 sentenced to life imprisonment, no less than 2147 were again the Sikhs, to cite only two categories. Again, but for the bitter struggle put up by the Sikhs, the whole of Punjab and Bengal would have been lost to Pakistan. To save these areas, 40% of the Sikh population had to undergo an harrowing experience of murder of a large number of their kith and

kin, plunder of their properties and the loss of their ancestral homes and hearths. However, the Sikhs bore all these sufferings in the hope that, in Free India, they would be able to live with honour. The outstanding sacrifices of the Sikhs find a special mention in the proceedings of the Constituent Assembly as well, when the sub-committee on minorities said in its report, dated November 23, 1948:

"We are acutely aware of the tragic sufferings which the Sikhs suffered before and after the partition of Punjab. The holocaust in West Punjab has deprived them of many valuable lives and great material wealth. The special tragedy of the Sikhs was that they had also to abandon many places particularly sacred to their religion."

However, these words proved to be very poor palliatives for the Sikhs, because, while framing the constitution, not only all the promises made to the Sikhs by the National leaders, that 'their special interests as a minority would be adequately protected,' were ignored but, provisions were made in the Constitution which pose a threat to their very socio-spiritual and cultural identity. A brief reference to such promises is imperative to bring home this point more adequately. The first such specific commitment was made to the Sikhs in 1929, when, at its Lahore session, the Congress Party passed a resolution to the effect that:

"The Congress assures the Sikhs that no solution in any future Constitution will be acceptable to the Congress that does not give them full satisfaction." (*Indian Constitutional Documents*, by A.C. Banerjee Vol. II, p. 317).

The commitment was solemnly reiterated by Mahatma Gandhi in 1931 when, while attending a religious function at Gurdwara Sis Ganj, Delhi, he tried to remove the misgivings of the Sikhs on this score, in these words:

"I ask you to accept my word and the resolution of the Congress that it will not betray a single individual much less a Community. If it ever thinks of doing so it would only hasten to its own doom.....I pray you to unbosom yourself of all your doubts and apprehensions. Let God be the witness to the bond that binds me and the Congress to you.

"I venture to suggest that the non-violence creed of the Congress is the surest guarantee of good faith and our Sikh friends have

no reason to fear that it would betray them. For, the moment it does so, the Congress would not only thereby seal its own doom but that of the country too. Moreover, the Sikhs are a brave people. They know how to safeguard their rights by the exercise of arms, if it should ever come to that."

(*Young India*, dated 19th March, 1931)

This position was further reiterated publicly by Pt. Jawahar Lal Nehru at a Press Conference at Calcutta after the All India Congress Committee meeting held there in which he said:

"The brave Sikhs of Punjab are entitled to special consideration. I see nothing wrong in an area and a set up in the North wherein the Sikhs can also experience the glow of freedom."

(*Statesman*, Calcutta, 7th July 1946)

On another similar occasion, Pt. Nehru again repeated these solemn commitments to the Sikhs in the following words:

"Redistribution of provincial boundaries was essential and inevitable. I stand for semi-autonomous units as well. If the Sikhs desire to function as such a unit, I should like them to have semi-autonomous unit within the province so that they may have a sense of freedom."

(Extracts from Congress records as reproduced in '*Punjabi Suba*', a National Book Club Publication, p. 147)

The first resolution moved by Pt. Jawahar Lal Nehru on 9th December 1946 in the Constituent Assembly is the most eloquent endorsement of these repeated assurances. The resolution says:

"Adequate safeguards would be provided for minorities in India. It was a declaration, a pledge and an undertaking before the world, a contract with millions of Indians and, therefore, in the nature of an oath, which we must keep."

(*Framing of Indian Constitution by B. Shiva Rao*, A Study, p. 181)

It is nothing short of betrayal of solemn faith to ignore these and many more such commitments repeatedly held out to the Sikhs and, what is worse, to accuse them now of unpatriotism, separatism and what not.

The genesis of the continuing unrest among the Sikh ranks for the last more than 35 years is, therefore, rooted in these historical facts and any solution thereof would have to take due note of them.

It is really unfortunate that during all this period no serious attempt has been made in this direction in spite of the fact that not a single Sikh demand mitigates against the Constitution or the integrity of the Country. Instead, to add insult to injury, a highly vituperative campaign of vilification has been mounted against the Sikhs to confuse the real issues.

As implied in Pandit Nehru's concept of 'Unity in Diversity', India is a multi-lingual, multi-religious and multi-national land. In such a land microscopic minority like the Sikhs, has genuine forebodings that, like Buddhism and Jainism earlier, they may also lose their identity in the vast ocean of overwhelming Hindu majority. Their misgivings in this respect were further heightened by the highly arbitrary manner in which they were defined as Hindus under article 25 of the Constitution even in the face of stiff resistance by their representatives in the Constituent Assembly. The repeated affirmations currently being made by the Sikhs that 'They are a Nation' must be seen in this context. It is a reiteration of their resolve to uphold the sanctity and integrity of their individual identity, and, it is with this very end in view, that they seek amendment of Article 25 of the Constitution and the provision of a separate Personal Law of their own, like those of the Hindus and the Muslims etc.

This is, broadly speaking, the historical background of the Anandpur Sahib Resolution which embodies some specific demands for the attainment of which the Sikhs are waging peaceful and constitutional struggle for the last one year and in which they have sent more than a *lakh and a half* of their men, women and children, to jail and have lost about 150, more in fake police encounters and other related incidents. These demands are:

1. Autonomous status for the states.
2. Restoration of Chandigarh and the left out Punjabi-speaking areas to Punjab.
3. Application of internationally and even nationally recognized Riparian Principle for the distribution of Punjab river waters and vesting of the control of its headworks in the hands of Punjab, as in the case of other states. (The Akali Dal has offered to accept the verdict of the Supreme Court on this issue).
4. Granting second language status to Panjabi in the adjoining states of Punjab as provided in the Nehru Formula.

5. An end to the forcible eviction of Sikh peasants from the states of U.P., Haryana and Rajasthan, as is being done in utter disregard of article 19 of the Constitution of India.
6. Allocation of its due share to Punjab from the Central Pool.
7. Recruitment to Army on the basis of merit as upto 1974. Restrictions imposed on the basis of population are violative of Article 16 of the Constitution.
8. Enactment of an *All India Gurdwara Act* on the lines of the *Sikh Gurdwara Act* 1925 for proper maintenance of holy Sikh shrines, and an end to governmental interference in the religious affairs of the Sikhs.
9. Granting of Holy City Status to Sri Amritsar on the lines of Kurukshetra, Benares and Hardwar etc.
10. Installation of high powered transmitter at Golden Temple, Amritsar, for broadcasting holy *gurbani* only, to cater to the pressing demand of the Sikhs at home and abroad.
11. Vacation of all restrictions on the wearing of *kirpan* by the Sikhs in all walks of life. Such restrictions are *ultra vires* of Article 25, Explanation II of the *Constitution of India*.
12. Last, but not the least, an end to the campaign of ruthless repression against the Sikh youngmen who are being tortured in jail and their unconditional release.

Thus, as is evident, all the demands of the Sikhs are constitutional and based upon the principles of Justice and Equity. The continued intransigence of the authorities to concede them is actuated by narrow party and personal considerations.

Hon'ble Members, destiny has vested you with a role which can make or mar the future of this great Land. As such, you owe it to your countrymen and more so, the minorities, to uphold the principles of Justice and Equity by which you swear. This alone can ensure a place of honour for this Country.

(Sant) Harchand Singh Longowal
President,
 Shiromani Akali Dal, Amritsar.

Appendix - 28

Khushwant Singh's Speech on Punjab Situation

Speech Delivered by S. Khushwant Singh on the Punjab situation in the Rajya Sabha on March 21, 1984

Mr. Deputy Chairman Sir,

I would appear as if all that could have been said on the Punjab has been said and that there is no more that anyone can say now. We can see no light at the end of the tunnel we entered two years ago. If anything, the atmosphere has worsened, the situation become gloomier and not a glimmer of hope can be seen anywhere. What we feared and hoped to avoid is coming to pass. We are virtually on the brink of disaster of major dimensions.

If the Akalis have proved impervious to reason, the Government has not covered itself with glory. It cannot be exonerated from the charge of criminal dereliction of duty. It has either hoped that time will resolve the situation or wished away the spectre haunting the corridors of power. Then sporadically descended to the use of force till it was found counter-productive. For the last two years, all the Prime Minister and Home Minister have said is that the doors of the Government are always open and that most of the Akalis religious demands have been conceded. We know well that the so-called religious demands are peripheral. For the substantive demands, its doors may be ever open but its mind is firmly closed.

In the last two months attitudes have hardened and it would appear that the Government has decided to embark on a head-on confrontation with the Akalis. There is little doubt that Akali leaders will be convicted for burning the Constitution and be sent to jail. The Government will have no one to deal with. Yesterday the AISSF was declared unlawful and what is more incredible is that the only man among the Akalis whom the Government could have dealt with, Sant

Harchand Singh Longowal, has been charged with sedition. All this, five months after the commission of the offence alleged. All that remains for the Government to destroy all hopes of a settlement is to succumb to the pressure of hawks and forcibly enter the Golden Temple. The blood bath that will inevitably entail will alienate the entire Sikh community for ever and throw it in the lap of the Akalis. We are now in the sort of situation that obtained in India in 1946-47. There is fear and insecurity in the minds of Hindus of Punjab. There is fear and insecurity in the minds of Sikhs of Haryana and in other States of India. Not much has been heard of what is happening to Sikhs in Haryana. In many towns *gurdwaras* have been burnt, Sikh shops looted and Sikhs man-handled. To this day it is dangerous for a bearded Sikh to travel on G.T. Road or by train running through Haryana. Amongst the victims of Hindu communalists was the brother of Harbans Singh, retired Chief Justice of Punjab and Haryana, and an honourable member of this House, Amarjit Kaur of Congress-I. She and her husband were detained in a Police Station for several hours for questioning.

Perhaps not so well known is the tension between law enforcing bodies - Punjab Police which is largely Sikh on the one side and the CRPF which is largely Hindu. To add to all this tension is the economic factor. What are known as unsocial elements have their eyes on business and property of the other community. Migration of population based on religious differences has begun; it is a trickle today, it could become a flood tomorrow.

In short we have played into the hands of Sikh extremists operating under the patronage of Bhindranwale and Hindu backlashists encouraged by Hindu facist organisations. It is no longer Akali *versus* the administration, but Sikhs *versus* Hindus. Families have been divided, brother has risen against brother. *Khalistan is in the making*.

Is there anything we can do now? Or have we passed the point of no return? I do not know. But I do know that it is worth trying to retrieve the situation. Permit me to put some suggestions for your consideration. Let there be no gimmickry like sending delegations of MPs to Punjab or reviving useless bodies like the National Integration Council. Time for those genteel measures has passed. We have to get down to hard realities.

First, treat both Punjab and Haryana as disturbed areas. I not only support President's rule in Punjab, I would recommend imposition of Martial Law in both these States. Second, since negotiations with Akali leaders are no longer possible, we have no choice except to consider their demands unilaterally and decide about them. There

are only two gut issues viz. the distribution of river waters and redrawing boundaries between Punjab and Haryana.

May I humbly submit that the Akali offer to refer the matter to a judge of the Supreme Court should be accepted. I do not understand the Government's hesitation to do so and suggest instead a tribunal which will take much longer to come to a decision and may not inspire confidence. Likewise, the Government should accept the demand of a new Boundary Commission. But its terms of reference must clearly exclude consideration of the future of Chandigarh, Abohar and Fazilka, division of the city or providing corridors to link States. Haryana must be provided its own separate capital and compensated by the transfer of village of contiguous to its borders.

The Government has been repeating that in considering Akalis' demands neighbouring states must be consulted. I presume that many such consultations must have taken place over the last two years. If necessary, consult them again but not to utilise them as levers to block settlement in Punjab or as spanners to throw into the works. In any case, these Governments are of your own party, it should not be difficult to persuade them to toe the line.

Last year I made a plea to the Prime Minister to go to the Golden Temple at Diwali – not as P.M. but as a pilgrim. She took no notice of my plea, perhaps because it sounded somewhat melodramatic. Let me repeat this plea to her again, this time to visit the Golden Temple on Baisakhi on 13th April. It is the birthday of the Khalsa Panth. Give the Khalsa Panth birthday gift of peace in their homeland and they will return it with even more dedication to their motherland.

Appendix-29

Calender of Meetings Between Akalis and the Government

Calendar of Meetings with the Representatives of the Akali Dal, 1981-84

A. Meetings taken by the Prime Minister

<i>Date</i>	<i>Venue</i>	<i>Participants</i>
1. 16-10-1981	South Block, New Delhi.	S/Shri H.S. Longowal, G.S. Tohra, P.S. Badal, S.S. Barnala, Balwant Singh Smt. Indira Gandhi. Shri C.R. Krishnaswamy Rao Sahib, Cabinet Secretary Shri P.C. Alexander, Principal Secretary to P.M. Shri T.N. Chaturvedi, Home Secretary.
2. 26-11-1981	Parliament House, New Delhi	S/Shri H.S. Longowal, G.S. Tohra, P.S. Badal, S.S. Barnala, Balwant Singh. Smt. Indira Gandhi. Shri P.V. Narasimha Rao (Union Minister) S/Shri C. R. Krishnaswamy Rao Sahib, P. C. Alexander, T.N. Chaturvedi
3. 5-4-1982	Parliament House, New Delhi	S/Shri H.S. Longowal, G.S. Tohra, P.S. Badal, Balwant Singh, Bhan Singh, R. S. Bhatia, P.S. Oberoi, Ravi Inder Singh.

Smt. Indira Gandhi.
 S/Shri Zail Singh, Pranab Mukherjee
 (Union Ministers)
 S/Shri C.R.Krishnaswamy Rao
 Sahib,
 P.C. Alexander, T.N. Chaturvedi.

B. Meetings taken by Members of the Union Cabinet

<i>Date</i>	<i>Venue</i>	<i>Participants</i>
1. 23.10.1981	Office of the Minister of External Affairs,	S/Shri S.S. Barnala, Balwant Singh, Ajit Singh, Sarhadi, Bhan Singh
2. 24.10.1981	New Delhi	Shri P.V. Narasimha Rao.
3. 11.1.1983	Raj Bhawan, Chandigarh	S/Shri S.S. Barnala, Sukhjinder Singh, Balwant Singh, G.S. Tohra, P.S. Badal, J.S. Talwandi, Ravi Inder Singh.
4. 18.1.1983		S/Shri P.C. Sethi, R. Venkataraman, Shiv Shankar (Union Ministers) Shri T.N. Chaturvedi.

C. Secret meetings

1. 16.11.1982	27, Safdarjung Road, New Delhi.	S/Shri P.S. Badal, Balwant Singh, Ravi Inder Singh, R.S. Bhatia.
2. 17.11.1982		S/Shri R. Venkataraman, P.C. Sethi, Shiv Shankar (Union Ministers)
3. 17.1.1983	Do	Shri Amarendra Singh, MP. S/Shri P.C. Alexander, T.N. Chaturvedi.
4. 24.1.1984	A Guest House in New Delhi	S/Shri G.S. Tohra, P.S. Badal, Ravi Inder Singh., S/Shri Rajiv Gandhi, MP, Amarendra Singh, MP, S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander.

		S/Shri Rajiv Gandhi, M.P., Amarendra Singh, M.P.,	
		S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander.	
5.	27.3.1984	A Private House in Chandigarh	S/Shri G.S. Tohra, S.S. Barnala, Balwant Singh Ramuwalia, R.S. Cheema, Shri P.V. Narasimha Rao, S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander, M.M.K.Wali, Home Secretary.
6.	28.3.1984	A Guest House in New Delhi	Shri P.S. Badal, Shri P.V. Narasimha Rao, S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander, M.M.K. Wali.
7.	29.3.1984	A Private House in Chandigarh	S/Shri G.S. Tohra, P.S. Badal, S.S. Barnala, Balwant Singh Ramuwalia, R.S. Cheema, Shri P.V. Narasimha Rao S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander, M.M.K. Wali, Prem Kumar (Special Secretary, Home).
8.	21.4.1984	Airport Lounge, Chandigarh	S/Shri G.S. Tohra, P.S. Badal, S.S. Barnala, Balwant Singh Ramuwalia, R.S. Cheema, S/Shri P.V. Narasimha Rao, Pranab Mukherjee, S/Shri C.R. Krishnaswamy Rao Sahib, P.C. Alexander, M.M.K. Wali, Prem Kumar.
9.	26.5.1984	A Guest House in New Delhi	S/Shri G.S. Tohra, P.S. Badal, S.S. Barnala, S/Shri P.V. Narasimha Rao, Pranab Mukherjee, Shiv Shankar.

D. Tripartite Meetings

<i>Date</i>	<i>Venue</i>	<i>Participants</i>
1. 24.1.1983	Parliament Annexe, New Delhi.	S/Shri S.S. Barnala, Balwant Singh and Ravi Inder Singh. S/Shri Ram Vilas Paswan, K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, C.T. Dandapani, Madhu Dandavate, Chandrajit Yadav, Ramlal Rahi, Ebrahim Sulaiman Sait, Bhai Mahavir, Sarup Singh and Ghulam Rasool Kochack (Opposition leaders) S/Shri P.C. Sethi, R.Venkataraman, P.V.Narasimha Rao, C.M. Stephen, Shiv Shankar and Bhishma Narain Singh (Union Ministers)
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, P.P. Nayyar Special Secretary (Home), M.G. Padhye, Secretary (Irrigation).
2. 25.1.1983	Parliament Annexe, New Delhi	S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh S/Shri Ramvilas Paswan, K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, C.T. Dandapani, Chandrajit Yadav, Madhu Dandavate, Ramlal Rahi, Q.M. Banatwala Bhai Mahavir, Sarup Singh, Ghulam Rasool Kochack (Opposition leaders). S/Shri P.C.Sethi, R.Venkataraman, C.M. Stephen, Shiv Shankar, Bhishma Narain Singh.

		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye.
3.	8.2.1983	Parliament Annexe, New Delhi. S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh. S/Shri Sushil Chand Mohanta Yogendra Sharma, Bhai Mahavir, L.K. Advani, Sarup Singh, Madhu Dandavate, Ghulam Rasool Kochak, H.S. Surjeet, Chandrajit Yadav, Harikesh Bahadur (Opposition leaders)
		S/Shri P.C. Sethi, R. Venkataraman, P.V. Narasimha Rao, Shiv Shankar, Buta Singh, Bhishma Narain Singh
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye
4.	10.2.1983	Parliament Annexe, New Delhi. S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh, S/Shri Sushil Chand Mohanta Yogendra Sharma, L.K. Advani Sarup Singh, Madhu Dandavate, H.S. Surjeet, Chandrajit Yadav, Harikesh Bahadur, Smt. S. Muthu (Opposition leaders)
		S/Shri P.C. Sethi, R. Venkataraman, Shiv Shankar, Buta Singh, Bhishma Narain Singh.
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye.
5.	15.2.1983	Parliament Annexe, New Delhi. S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh S/Shri Sushil Chand Mohanta K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, Chandrajit Yadav,

		Madhu Dandavate, Harikesh Bahadur, L.K. Advani, Sarup Singh, Ghulam Rasool Kochack (Opposition leaders)
6.	18.2.1983	S/Shri P.C. Sethi, R. Venkataraman, P.V. Narasimha Rao, Buta Singh.
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, P.P. Nayyar, M.G. Padhye.
	Parliament Annexe, New Delhi.	S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh.
		S/Shri Chitta Basu, K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, Madhu Danadavate, Chandrajit Yadav, Harikesh Bahadur, L.K. Advani, Sarup Singh (Opposition leaders)
		S/Shri P.C. Sethi, R. Venkataraman, Shiv Shankar.
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye
7.	19.2.1983	S/Shri S.S. Barnala, Balwant Singh, Ravi Inder singh
	Parliament Annexe, New Delhi	S/Shri K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, Chandrajit Yadav, Chitta Basu, Madhu Dandavate, Sushil Chand Mohanta, Harikesh Bahadur, L. K. Advani, Sarup Singh, (Opposition leaders)
		S/Shri P.C. Sethi, R. Venkataraman, Shiv Shankar, Buta Singh.
		S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye, P.P. Nayyar.

8.	20.2.1983	Parliament Annexe, New Delhi.	S/Shri S.S. Barnala, Balwant Singh, Ravi Inder Singh S/Shri K.P. Unnikrishnan, H.S. Surjeet, Yogendra Sharma, Chandrajit Yadav, Madhu Dandavate, Sarup Singh, Chitta Basu, Sushil Chand Mohanta, Harikesh Bahadur, L.K. Advani. (Opposition leaders).
			S/Shri P.C. Sethi, Pranab Mukherjee, Buta Singh.
			S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, M.G. Padhye, P.P. Nayyar.
9.	14.2.1984	Parliament Annexe, New Delhi.	S/Shri S.S. Barnala, G.S. Tohra, P.S. Badal, Balwant Singh, R.S. Cheema
			S/Shri Jagjivan Ram, A.B. Vajpayee, L.K. Advani, Chandra Shekhar, Biju Patnaik, S.C. Mohanta, Madhu Dandavate, S.N. Mishra, Sarup Singh, H.S. Surjeet, Chandrajit Yadav, Lok Nath Joshi, Dharam Bir Sinha, Ghulam Rasool Kochak, Chitta Basu (Opposition leaders)
			S/Shri P.C. Sethi, Pranab Mukherjee, Shiv Shankar, Buta Singh.
			S/Shri Krishnaswamy Rao Sahib, P.C. Alexander, T.N. Chaturvedi, P.P. Nayyar, Prem Kumar.
10.	15.2.1984	Parliament Annexe, New Delhi.	S/Shri S.S. Barnala, G.S. Tohra, P.S. Badal, Balwant Singh, R.S. Cheema.

S/Shri Jagjivan Ram, L.K. Advani,
Chandra Shekhar, Biju Patnaik,
Madhu Dandavate,
S.C. Mohanta, S.N. Mishra,
Sarup Singh, H.S. Surjeet,
Samar Mukherjee,
Lok Nath Joshi,
Dharam Bir Sinha,
Ghulam Rasool Kochak,
Indradeep Sinha, Chitta Basu.

S/Shri P.C. Sethi,
P.V. Narasimha Rao,
Pranab Mukherjee, Buta Singh,
Shiv Shankar.

S/Shri Krishnaswamy Rao Sahib,
P.C. Alexander,
T.N. Chaturvedi,
P.P. Nayyar, Prem Kumar.

Appendix-30

R.S.S. Resolutions on Punjab Problem

**Rashtriya Swayamsevak Sangh
Akhil Bharatiya Karyakari Mandal Meeting,
Agra, July 10-11, 1982**

RESOLUTION NO. 4

The atmosphere of ill-will and hatred generated by some extremist elements during the last few months in Punjab with the cry of Khalistan, plunging the strategic border area in internecine conflict, is indeed a matter of intense anguish and concern for every one of our patriotic countrymen. Throwing of cigarette butt-ends and severed heads of cows into Gurudwaras and temples with a view to desecrating them and inflaming passions can never be the handiwork of any one with love for the integrity and unity of the country. In view of the asylum extended by countries like Pakistan, England, America, Canada etc. to extremist elements, existence of an international plot also cannot be ruled out. The indirect support to Khalistan extremists by certain political leaders for achieving their immediate political ends is, to say the least, most unfortunate. The A.B.K.M. strongly condemns all such pernicious attempts at engineering strifes and conflicts in the national society of the country.

All the various religious persuasions and faiths in the Hindu Society such as the Sikh, the Sanatani, the Arya Samaji, Jain, etc., are but diverse paths to reach the same goal, drawing, as they do, inspiration from the same spiritual values and ideals. When these ideals were faced with a mortal danger Guru Teg Bahadur recognised it as a threat to the Hindu and Hindustan as a whole and volunteered to offer his supreme sacrifice at its altar. And it was Guru Govind Singh who with the clarion call of "May Hindu Dharma rise, and the evil forces flee" roused the martial spirit of the nation through the Khalsa. In response, countless heroes rose from the four corners of

the land to plunge into the fire of martyrdom in the cause of Dharma. The inspiring saga of the Khalsa faith and its followers is therefore the proud heritage of the entire nation and not confined to any particular province. The Khalsa Gurus too had chosen the entire land as their field of action. No person with genuine faith in those Gurus would ever dream of chaining them within the bounds of a province, language or faith and thus slashing down their stature. The A.B.K.M. expresses its satisfaction at the courageous restraint displayed by the common people of Punjab even in the face of grave provocation. The A.B.K.M. is further confident that the people will be vigilant enough to frustrate all such machinations of foreign stooges and self-seeking politicians that will stir up internecine strifes and weaken the country. The A.B.K.M. calls upon our enlightened countrymen to promptly denounce the mean and mischievous acts of extremist elements and keep aglow the inspiring tradition of our great forbears of standing four square against untruth and atrocity, under any guise or form.

The A.B.K.M. is of the opinion that elements bent upon imperilling public peace and security have been emboldened chiefly because of the tardy and half-hearted attitude of the Government. The A.B.K.M. urges the Central and the Punjab Governments to discharge this most basic and elementary Governmental duty with firmness and swiftness.

**Rashtriya Swayamsevak Sangh
Akhil Bharatiya Karyakari Mandal Meeting, Pune**

July 9-10, 1983

RESOLUTION NO. 3

The Akhil Bharatiya Karyakari Mandal feels intensely concerned about the grave situation prevailing in Punjab. In the considered view of the Karyakari Mandal, the forces instrumental in sparking off this problem are the political leaders and parties having their own axe to grind and certain elements playing into the hands of foreign powers. In their blind race for power, they have not hesitated to indulge in anti-national acts of fomenting all sorts of dissensions and setting up one against the other and creating bad blood amongst the kith and kin. If any region or section of people suffers from any injustice or discrimination, the same will have to be removed through

peaceful and constitutional methods only. Any other course can, under no circumstance, be justified.

Our Sikh brethren have been living, all along, just as much as the Jains, the Buddhists, Vaidikas etc. as an integral limb of the Hindu Society, with all their special characteristics kept intact. No power on earth can ever tear apart a people who are the children of the same mother-soil, bound by common bonds of blood and traditions of history, points of veneration and Dharma (as Sri Guru Govind Singhji declared: may the Khalsa faith flourish in the whole world and the Hindu Dharma live on destroying all evil forces) and whose various surnames and lineage have been one and common characterised by interdining and intermarrying all these centuries. The A.B.K.M. severely condemns the inhuman atrocities of the extremists and expresses its deep sense of sorrow over the barbarous murders of our innocent brethren. In view of the pitiable failure of Punjab Government in stopping the chain of murders and apprehending and punishing the assassins, the Karyakari Mandal urges the Central Government to come forward to put a stop with an iron hand to the atrocious deeds of the terrorist elements and relieve the people's mind of fear and generate confidence.

The Karyakari Mandal heartily congratulates all our Punjab brethren for exercising restraint and conducting themselves with prudence, and for having refused to walk into the political trap set up for them and maintained their balance. The A.B.K.M. feels confident that in future too they would foil every kind of such anti-national conspiracy.

The A.B.K.M. earnestly appeals to all the patriotic social and religious leaders to rise above their superficial differences, and realise that a well integrated society alone can ensure its security, honour and happiness. The Karyakari Mandal calls upon the entire Hindu people, including Sikhs, to put up a united front as an impregnable bulwark against the danger posed by the present situation.

The A.B.K.M. urges the Sangh Swayamsevaks to stand shoulder to shoulder with all the rest of our people and display their traditional fortitude, courage and fearlessness in putting an end to the atrocities and undertake a brisk house-to-house contact campaign and through their fearless, honest and amicable behaviour dispel the atmosphere of confusion, scare and bitterness.

**Rashtriya Swayamsevak Sangh
Akhil Bharatiya Pratinidhi Sabha, Nagpur**

March, 1984

RESOLUTION NO. 2

The Akhil Bharatiya Pratinidhi Sabha views with deep concern and anguish the dangerous turn the agitation in Punjab has taken over the last two and half years. Violence, loot and arson are on the increase. Public life in Punjab is seriously disturbed. The atmosphere is filled with fear and anxiety, as bond of kinship between the Sikh and the rest of Hindu fraternity is sought to be disrupted. Violence begets violence. Whether Punjab burns or Haryana burns, ultimately it is the country that suffers.

The hoisting of the so-called Khalistani flag by the anti-national elements over the Golden Temple, the deplorable burning of Indian Constitution by Akali Dal, the attempt of the terrorists to sabotage rail traffic, sheltering of anti-social elements in religious places for shedding innocent blood – all this naturally make all our patriotic and religious minded people gravely apprehensive.

The situation is further complicated by the fact that the Central Govt. has neither taken suitable steps nor displayed a strong will in solving the problem. With the result, the people have begun to feel sceptical about very intentions of the Govt. and are getting more and more frustrated.

Punjab, situated on our western borders, has all along displayed an exemplary spirit of courage and sacrifice in facing the foreign aggressors. That such a situation should have now developed in that part naturally worries every patriotic son of this soil. The situation has become all the more aggravated in view of the inimical intentions of the neighbouring state and the available proof of terrorists forging contacts with them.

It is, however, heartening that in spite of this explosive situation the common man in Punjab is still cherishing his traditional feelings of mutual social unity and amity. The Sikh brethren who are in large numbers in the rural parts have not fallen a prey to the separatist propaganda. This healthy attitude needs to be further strengthened. This Sabha congratulates the brethren of Punjab for maintaining their balance of mind in spite of the grave provocation. Thereby, they have proved that the voice of Akalis is not that of all the Sikhs, and also that the existing quarrel is not one between the Sikhs and

other Hindus, but is one of rivalry among the political parties for either retaining or capturing power.

The situation demands that the nation's conscience be roused, and the common people in general and the Sikh brethren spread all over the country in particular be alerted against the divisive forces in Punjab. That the Akali slogan of "Sikh identity in danger" is politically motivated, is obvious enough. The Sikh Panth has never been in danger from the Hindus; on the other hand, it has drawn only sustenance from them. Since thousands of years, faiths like Jainism and Buddhism have blossomed with all their special features in this broad Hindu fraternity. There is absolutely no reason why our Sikh brother should be worried or misguided by the imaginary fear of losing his identity.

Situation demands that effective pressure be mounted on the Central Govt. to compel it to carry out its primary duty of rooting out all such elements that threaten the nation's solidarity and its hard won independence. The Govt. should also be made to undertake effective steps to meet the legitimate demands of the agitationists. The Sabha cautions the Govt. to appreciate the ruffled sentiments of the people and initiate right measures in time, lest the situation go out of control and the public discontent turn into public fury.

The Sabha appeals to the patriotic people of Punjab to give up their reticence and speak out their mind. Let both the Sikhs and the rest of Hindus come forward to defeat the terror tactics of the anti-national elements and jointly set up protective committees in every place towards that end. Let them, especially, guard themselves against the designs of politically motivated parties, of inciting internecine quarrel, and ensure that such forces do not subvert the nation's freedom and integrity.

The Sabha urges the R.S.S. workers in Punjab to accept the challenge of the times and, in accordance with the direction given by the last year's Pratinidhi Sabha, further strengthen in all possible manners the campaign for enlightening and steeling the people's will against separatist pulls.

The Sabha firmly believes that the sole guarantee for the bright future of our Nation lies in our traditional social harmony and that its present eclipse is but a passing phase. It is our bounden duty to guard this precious heritage at all costs, with a spirit of restraint and right understanding.

Rashtriya Swayamsevak Sangh
Akhil Bharatiya Karyakari Mandal meeting, Hyderabad

July 8, 1984

RESOLUTION NO. 2

The Akhil Bharatiya Karyakari Mandal expresses its deep anguish at the sad course of events making the Army action inevitable in Punjab to flush out the terrorists from the Golden Temple Complex and many other places. It is amply evident that the low-level political rivalry indulged in by the ruling Congress (I) and the Akali Dal and factional fightings within both the parties ultimately threw the initiative into the hands of the terrorists and separatists and set them on a murderous course, killing thereby hundreds of innocent people with impunity. The failure of the Government in taking timely action for the preservation of law and order, ultimately led to the erosion of its own authority, thereby whetting the appetite of the terrorists to such an extent that they began to dream of establishing their own rule even with the help of some foreign powers with whom they had already established ominous contacts. The Akhil Bharatiya Karyakari Mandal appreciates the role of the Army in accomplishing the task entrusted to it and respecting the religious sentiments of the people even at the cost of precious lives of its own personnel.

That the Golden Temple should have become an arena of bloodshed and fighting has caused great distress to all our countrymen, more so to the devout Sikhs. In their initial flush of anger many of our Sikh brethren have tended to overlook the fact that the religious precincts had already been defiled by the terrorists who had tried to convert it into an impregnable fortress and arsenal for carrying out their subversive designs. But with more and more facts coming to the fore, they also have started realising the gravity of the situation and the Akhil Bharatiya Karyakari Mandal is sure that before long they will be in a position to evaluate the tragic happenings in Punjab in their proper perspective. The Shiromani Gurudwara Prabandhak Committee also cannot be absolved of their failure to discharge the responsibility of preserving the sanctity of the Harmandir Sahib which is a point of veneration not only with the Sikh masses but also the whole of the Hindu society.

The Akhil Bharatiya Karyakari Mandal is of the firm opinion that the problem of Punjab brooks no delay. All its aspects -

administrative, political and social – must be handled with care and understanding. Whereas the administration should act firmly and effectively in dealing with law and order problems, the political questions should be solved amicably through negotiations, rising above petty partisan considerations and keeping the larger interests of the country foremost. Those issues which defy an agreement can be referred to tribunals. In order to get over the psychological estrangement, the Akhil Bharatiya Karyakari Mandal feels that the people should be made aware of the subtle conspiracy hatched by the Britishers in the past and fanned by foreign powers subsequently to alienate the Sikh masses from the parent Hindu society, for the protection of which alone the Khalsa Panth had been created. The sense of oneness, fostered by history, traditions, common ideals and blood relationships, have been so strong that despite the nefarious designs of inimical interests they have been able to withstand the strains and pressure even under most provocative situations. The Akhil Bharatiya Karyakari Mandal exhorts all our countrymen in general and swayamsevaks in particular to come forward to restore the pristine glory of our Darbar Sahib through all possible means including 'Kar Seva' and also come to the succour of the families of those innocent persons who lost their lives in the wake of senseless killings by the terrorists in Punjab. The Akhil Bharatiya Karyakari Mandal urges the people and the govt. to ever remain vigilant against separatist tendencies raising their ugly head and endangering the unity and integrity of the country and ensure that no place of worship is henceforth permitted to store arms, harbour criminals or be used for political or subversive purposes.

Appendix-31

Khushwant On Punjab Situation

Defaulter – Who?

**Khushwant Singh's speech on the
Punjab situation in the Rajya Sabha**

It would appear that we are like needles of gramophones caught in the grooves. It used to be Assam. Now it is the Punjab. In the speeches of the Government, the Opposition, and, in fact, all of us, we have been saying the same thing over and over again for a year and a half. I hope that now somebody either from the Government side or the Opposition would move this needle forward to something different and something more positive. Quite obviously the prime responsibility for this falls on the Government. I rely on the statements of the Prime Minister, the Home Minister, the Chief Minister of Punjab and Mr. Rajiv Gandhi to make the following comments largely to put the record straight.

The Prime Minister has gone on record to say that at different times the Akalis have been adding to their demands. To the best of my knowledge they made a concise list of 45 demands and to this day they have not added a single more demand to these 45. It has also been stated that the religious demands of the Akalis have been conceded. Yes, two or three very peripheral demands have been conceded. But the basic demand of an All-India Gurdwara Act has been hanging fire. All the time we have been told that consultations are going on with the States. The main *gurdwaras* involved have agreed to this act. I do not understand why then this is taking so much time. I know that our telephone system is very faulty. But surely it does not take a year and a half to get the reactions of the States and go ahead with something which exclusively concerns the Sikh community.

Much has been said about the misuse of *gurdwaras* for harbouring criminals. Mr. Home Minister, if you have any concrete evidence of

criminals being harboured inside the Golden Temple, you should place it on the Table of the House. At one time a list of 40 men was given to the Akali Dal. It was found that at least four of these 40 men were not even living in this country. They were living abroad. If you have been to the Golden Temple as I know you have been, it has several entrances. At each of these there are large numbers of armed police men and security officers who know by photographs and by contact who these criminals are. How is it that in all this time you have not been able to put your hand even on one of them? What kind of a Government or police you are running when a senior police officer is killed outside the gates of the Golden Temple and his assassin gets away in broad daylight? Is this the kind of evidence that you are going to give us and say that the Golden Temple is being misused.

Then, you have said frequently that the Akali leadership has been very soft towards extremists and Khalistani elements. I concede that at one time they were. But in recent months they have made strong criticism and strong condemnation of all these acts of violence. The latest reports talk of foreign interference. We all know that when a doctor does not know what is wrong with his patient, invariably he says that this is some kind of viral fever. The same thing is happening here. If we cannot get at the root of something then we say it is the C.I.A.

Have we got any evidence of C.I.A. interference? And more recently it was said that Pakistan is creating Nihangs, or at least making Muslims into Nihangs and sending them into Punjab. Mr. Home Minister, have you caught any one of these people, the so called Pakistani Nihangs? The point simply is when you make these insinuations about foreign agents infiltrating into Akalis and Akalis being influenced by them, you are insinuating treason, you are accusing Akalis of being treasonous to their country. As you well know, the record of the Akali party in patriotism and sacrifice is perhaps much bigger than that of your party or the Opposition parties put together.

When you make this kind of treasonous insinuation and then, Mr. Sethi, you, more than anyone else, have got into this gramophone groove saying 'Government doors are always open', what person with self-respect who has this stigma of treason put on him is going to enter these doors that you always talk of being kept open?

Having said all this let me say clear again that I have absolutely no brief for the Akalis. I feel that when they say that they condemn Khalistan and that they do not support the demand, it is enough.

Words must be followed by actions. They must stop talking the language of separatism. I think it is time that the Akalis come out more categorically in condemning the separatist tendencies. They also must condemn violence in more positive terms. They must also let Nirankaris off the hook because the confrontation has gone on far too long. Nirankaris have offered to expunge offensive references to Sikhism from their books. Their offer should have been accepted long ago and something done to come to a settlement with these people.

Basically, there are only three issues we have to settle. One is the readjustment of boundaries, the second is the river waters dispute and the third is the All India Gurdwaras Act. You have offered a commission on the boundary question. But I do not think this is an honest offer. It has been settled once and for all that Chandigarh must go to Punjab. I do not think there is any dispute on this question. It is equally clear that you cannot divide Abohar and Fazilka from Punjab for geographical and historical reasons; this is one country where you cannot have a hundred mile long corridor. I think, this settlement should be announced as soon as possible. There is also the question of giving money to Haryana nobody disputes that. If Punjab gets Chandigarh, Haryana must get money to build a capital of its own.

There is also the river waters question. What is the dispute now? I do not understand what we are cribbing about? You want to refer this to a River Water Tribunal. The Akalis have laid their cards on the table. They say 'Give it to the Supreme Court; we will accept whatever verdict it gives.'

Then, there is the All India Gurdwaras Act. For some reason unknown to me and to any one else, Government seems to be dragging its feet. It is extremely painful that here on this one great problem which should unite the Opposition and the Government, we are taking purely partisan attitudes. Mr. Home Minister, you must know from your secret reports about Hindu militarism. What I fear most today is the Hindu backlash of the Hindu extremists. It is evident that the Sikh extremist cannot have it all their own way. If they kill innocent Hindus in the Punjab, it is only a matter of time the Hindu extremists will hit back and then the fat will be on the fire. I know for certain in Delhi, in recent weeks, there are young Hindus going round with *trishuls* and which have slogans written on them collecting money to buy arms and saying quite clearly that if this kind of kills goes on in the Punjab, *we will settle scores in Delhi and elsewhere*. Once that happens, whether you like it or not, you will have laid the

foundation of Khalistan! Please for God's sake, make sure that a settlements is reached in this Session of Parliament and not any longer.

The record of the Akali party in patriotism and sacrifice is perhaps much bigger than that of Congress or the opposition parties put together.

Appendix-32

Riots in Yamunanagar

Anti-Sikh Riots in Yamunanagar

Speech made by Sardar Khushwant Singh on
the Punjab & Chandigarh ordinances in the
Rajya Sabha on 21.11.1983.

I would like to draw the attention of Home Minister to an incident which took place in Haryana which has a bearing on the situation in Punjab and from which we can draw certain conclusions. Mr. Home Minister, you are no doubt aware that between the 7th and 10th of October, there were anti-Sikh riots in Yamuna Nagar, a town which has a long history of communal harmony. You have also no doubt received a representation made by the Sikhs of Yamuna Nagar. It was presented to the President, the Prime Minister, yourself and the Chief Minister of Haryana. What is significant about this incident and the representation is the fact that the leader of the delegation which made this representation is an old and well-known freedom fighter, Bawa Dasonda Singh, who has been in jail many times and is currently the leader of the Congress (I) Party. The people who signed the representation with him, all Sikhs, are also all members of the Congress-I party. Their allegation deals first with a meeting that took place on the 1st of October when Mr. Virendra came from Jullundur and made an inflammatory speech followed by violence which erupted on the 7th. The mob which attacked the Sikhs' property and life, injured 43 people, killed one and looted or destroyed property worth over Rs. 12 lakhs consisted of members of the Hindu Sammelan but was led by a man who is the leader of the Congress-I Party; there and many other office-bearers of Congress-I with him. Their names are there in the representation. The leader was a retired Wing Commander of the Air Force and at present head of the Congress-I. The representation also states that the mob was armed with "trishuls" and that there are a large number of such *trishuls*.

available in Yamuna Nagar. I am not trying to accuse the Congress-I. That is not my object. All I want to say is that the issue has now ceased to be political. It has become a communal. It is Congress-I Sikhs *versus* Congress-I Hindus. It is no exaggeration to describe it as Hindu *vs* Sikh because amongst the things destroyed were sacred books gutkas and the *Guru Granth*. This is what I feared would happen. I expressed my fears earlier that this contagion is spreading and is going to spread further. I fear more is yet to come of the Hindu backlash. It is inevitable when crimes are committed by people who appear to be Sikhs, there will be this Hindu backlash. This has begun. There is tension in Delhi. It has already erupted into violence in your own home-town, Indore. We are all very concerned about it. What we have to do is to stem this communal virus in Punjab and prevent it from spreading to the rest of India. It is on this score that I am not quite certain whether the Ordinance that you have passed is the right answer. I fear and I suspect that it may prove counter-productive and may boomerang. You have armed the police with enormous powers of search, I am told that they are combing village after village for illegal arms and suspects. This is the function of the police and they must catch the people involved. But, Mr. Home Minister is it not also obvious that, since the terrorists and extremists are Sikhs, the police is bound to search only the houses of Sikhs? It stands to reason that in Punjab villages the feeling of discrimination is going to spread further because police attention will be focused on Sikhs, leaving out the Hindus. And Sikhs, at least a section of them, who already feel that they are being discriminated against, will feel or will start feeling even more discriminated against, and we may get into the same situation which took place during ASIAD when the foolish Chief Minister of Haryana ordered the search of every single Sikh coming to Delhi. It is that kind of a situation that we would like to avoid, and I don't think that this Ordinance which empowers the police to go into homes and inevitably only search Sikh homes thereby create a further cleavage between the two communities and hence fail to achieve its ends. It must be quite obvious to you by now that the answer does not lie in guns but in goodwill. I don't see how you can create goodwill with guns, and more so with more guns in the hands of the police. There will be retaliation. The only way you can create goodwill – and I repeat it for the nth time, – is for you to re-open negotiations with the Akalis and come to a settlement with them. Otherwise, the entire country will pay a very heavy price for your dithering over the Punjab situation.

Appendix-33

Complaint Against Bhajan Lal

**IN THE COURT OF SHRI J.S. MANDER, PCS, JUDICIAL
MAGISTRATE IST CLASS, LUDHIANA**

Crl. Complaint No. 83/1 of 7.11.1987

D.S.Gill, Advocate, General Secretary, Punjab Sikh Lawyers Council (PSLC), District Courts, Ludhiana.

- Complainant

versus

Shri Bhajan Lal, son of not known, Member, Rajya Sabha, at present Union Environment & Forest Minister, Government of India, New Delhi.

- Accused

Complaint under Section 115 of the Indian Penal Code

Present: Sh. D. S. Gill, Advocate, complainant with counsel
Sh. G.S. Bal, Advocate.

ORDER

Complainant D.S. Gill, Advocate has filed this complaint under Section 115 of the Indian Penal Code against Sh. Bhajan Lal, Member, Rajya Sabha, at present Environment & Forests Minister, Government of India, New Delhi. Punjab Sikh Lawyers Council (PSLC) is non-party organisation representing Sikh Intelligentia in the Field of Law. The said Council is mainly committed to the defence and promotion of Civil Liberties, human values and constitutional rights of the people and the State of Punjab. The Council has been effectively coordinating with the Punjab Human Rights Organisation led by Hon'ble Mr. Justice A.S. Bains, Retired Judge of Punjab & Haryana High Court. The accused was earlier Chief Minister of the State of Haryana and

now, a Minister in the Union Government. It is alleged that the accused is highly biased and prejudiced against the Punjab Sikhs as a Class as is evident from the treatment he, as a Chief Minister of Haryana, meted out to them and as a Union Minister, he showered humiliation upon the Sikhs.

2. It is alleged that on August, 1987, accused threw all norms of restraint to the winds and gave an un-bridled vent to his anger and venom against the Sikhs in a Speech at Hissar where he openly instigated Armed Forces and others to kill Sikhs by branding them as terrorist. He said,

“terrorists should be shot dead. They did not deserve to be arrested and tried by Courts of Law. Only a tough posture against such elements could help resolve the Punjab problem.”

The aforesaid speech has been reported by Raman Mohan, a Staff Correspondent of the Tribune. It is also alleged in para No. 10 of the complaint that Defence Ministry of India issued a Notification in July, 1984 which appeared in Spokesman Weekly, New Delhi on 10th September, 1984, and it was observed in the said Notification titled *Baat Cheet* as follows:-

“2. Being pledged to democracy and secularism, it has been a practice of the Government to honour the religious sentiments of every community. Accordingly, police entry into the places of worship was not permitted, although there is no written law which expressly prohibits it. Government showed utmost patience in dealing with the terrorists, who had taken shelter in the gurudwaras and were issuing death warrants, killing innocent people all over the country belonging to every community. Lawlessness prevailed over long time. These terrorists, criminals, murderers, smugglers and other undesirable elements wanted by the Police, taking shelter in the gurudwaras, started organising themselves for anti-national activities. A large quantity of arms, ammunition, sophisticated transmitting equipment recovered by us during the action and Pakistani nationals dressed as Nihangs prove their evil design. Countries inimical to us and some disgruntled ex-servicemen also helped extremists by training them. The temples were converted into fortresses and unlawful activities continued unabated. Some of our innocent countrymen were administered oath in the name of religion to support extremists and actively participate in the act of terrorism. These people wear miniature kirpan round their neck and are called “Amritdhari.”

3. After the registration of the complaint, Sh. D. S. Gill, Advocate appeared as PW-1 and also examined PW-2 Mohinder Singh, PW-3 Doctor Rajinder Pal Singh and PW-4 Bhupinder Singh Somal, Advocate and then closed the preliminary evidence.

4. After the close of the preliminary evidence I have heard learned counsel for the complainant and perused the record very carefully and minutely. It has been argued that the accused be summoned under Section 204 Cr.P.C. for having committed an offence under Section 115 IPC. Before proceeding further, it is to be seen that Section 115 IPC reads as follows:

"115. Abetment of offence with death or imprisonment for life. Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the Punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore, A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine."

Ex-PA is the Photostat copy of the Tribune dated 24th August, 1987 wherein accused Bhajan Lal has given the statement as alleged in the complaint: Our country is a democratic country where Judiciary is independent and it is for the Judiciary to determine as to who is terrorist and what punishment is to be given to a person if he is proved to be terrorist. It is not within the powers of Bhajan Lal to instigate the authorities that the terrorist should be shot dead. Clearly, therefore, accused Bhajan Lal has transgressed the limits and norms of Union Minister and he made utterances at Hissar in an utter thoughtless and irresponsible manner. Not only he appears to have committed an offence under Section 115 IPC but also, he lowered down the image of the whole Indian Judiciary in the eyes of law which *prima facie* constitutes an offence of Contempt of the Court

also. But, however, this matter will be looked into later on, as at present, there is no complaint or allegation in the complaint to this effect. Circular issued by Army Authorities, photostat copy of the same has been placed on the record which is Ex-PC. It has been reported in the Spokesman dated 10th September, 1984 that every Amritdhari A 'Terrorist, Murderer Or Arsonist'. Photostat copy of the Spokesman Weekly is Ex-PB. Anyway the allegations against the accused are very serious and they became highly more serious when they are made by a person who is occupying such a high Chair against a particular community.

5. I am alive to the question of jurisdiction before summoning the accused as alleged instigation was addressed to the people and Members of the Forces all over the country including the People of Punjab. As contemplated in 1978 Crl. Law Journal page 204 and 1983 Crl. Law Journal page 381, the venue of the trial in case of newspaper items can be either the Court within whose jurisdiction publication is made or the Court in whose jurisdiction the matter is circulated or distributed. Matter has been circulated in the jurisdiction of this Court. So clearly, this Court has jurisdiction to summon the accused. No permission under Section 197 Cr.P.C. is needed as the statement was not made in the discharge of his official duties by the accused. Accused is Union Minister of the Environment and Forest Minister and his reckless and lawless talk about the terrorist in Punjab is not a part of his official duty. I have also perused the preliminary evidence led by the complainant. According to the statement of PW-4 Bhupinder Singh Somal, Advocate, his brother was called by the Police number of times and then it is alleged that he was murdered by the B.S.F. and even the dead-body had not been returned to Bhupinder Singh Somal, Advocate. This incident is alleged to have taken place on 4.9.1987. According to the arguments advanced by learned counsel for the complainant, it is maintained that such offences are committed by Armed Forces after the statement is given by the accused. This has taken place, at a place, near Jagraon. PW-2 Mohinder Singh Jawanda, a Kisan Leader, has stated that subsequent to the statement issued by Bhajan Lal, many people were killed after taking them out from the Jails. PW-3 Rajinder Singh who is Doctor and Civil Liberties Activist associated with Hon'ble Mr. Justice A.S. Bains, has stated that when he was in Police custody, S.P. Detective, Ludhiana, Sh. Surjit Singh told him that he should leave Ludhiana and go to his Farm in M.P. as they have orders from Bhajan Lal to kill any Sikh dubbing him as Terrorist. He was further asked to leave the work of Civil Liberties.

6. Looking into the evidence and the allegations in the complaint, I am of the view that the accused be summoned through non-bailable warrants, but keeping judicial restraint in view, I think ends of justice will meet if the accused is ordered to be summoned through bailable warrants in the sum of Rs. 10,000/- with two sureties of the like amount. Accordingly, the accused is ordered to be summoned under Section 115 IPC through bailable warrants in the sum of Rs.10,000 with two sureties of the like amount. PF be given within two days. Copies of the complaint and list of witnesses be furnished. As a matter of fact, list of witnesses wherein formerly Judge of the Hon'ble High Court of Punjab & Haryana, Chandigarh, Hon'ble Mr. Justice A.S. Bains and Mr. Gurcharan Singh Grewal, Chairman, Bar Council of the Punjab & Haryana High Court and 23 other very respectable witnesses have been cited including Editor-in-Chief Mr. V. N. Narayanan. To come up on 14.12.1987.

Sd/-
Judicial Magistrate, 1st Class,
Ludhiana.

Pronounced:- 20.11.1987

Attested to be true of the original Order

sd/-
Harchand Singh Gill,
Advocate.

Appendix-34

The Third Agency

Dead Men Tell No Tales

This is the story about a super-intelligence agency. The Third Agency.

Its credo: Total loyalty to Indira Gandhi, Prime Minister of India.

Its resources: Unlimited.

Its think tank: R.N. Kao.

Its area of operation: Punjab, Kashmir, Rajasthan, Andhra Pradesh, Karnataka, Sri Lanka, et.al.

We focus on Punjab pre-Bluestar Punjab. The Third Agency's assignment was to aid and abet the murderous activities of Jarnail Singh Bhindranwale and his gang of killers. The Third Agency kept the supply of lethal weapons flowing into the Golden Temple. The Third Agency allowed 47 railway stations to be blown up. The Third Agency incited violence in Punjab. and for their gallant roles, senior officers of the Third Agency have been rewarded: With police medals and prize foreign postings. An incredible story based on exclusive information provided by patriotic officers of RAW, as told to.

— *Surya's Rajeev K. Bajaj*

The thunder of cannon and roll of caterpillar tracks has stopped. The demolished Akal Takht is being repaired. The demon has been exorcised from the Temple. Mrs. Gandhi, it appears, has done what she had to do.

But the Indian Intelligence Agencies have a totally different tale to tell. According to highly placed and highly disillusioned sources in the Research and Analysis Wing (RAW), the total Punjab drama,

from the rise of Bhindranwale to the Army action, was scripted, enacted and closed by the Intelligence Agencies under the directions of the ruling Congress (I).

According to these sources, the whole operation was such a well-guarded secret that whereas RAW and the Intelligence Bureau (IB) were utilized, most RAW and IB personnel did not have even a clue about the real plan of action. For RAW and IB were being used only as a front. A totally new, and hitherto unheard of organisation was calling the shots. This super-intelligence organisation, code-named. "Third Agency" had planned and executed the whole Punjab operation.

The objectives were three –

1. To clinch the Hindu vote in the rest of the country by giving the Sikh community a punch on the nose;
2. To take the wind out of the Opposition's sails by doing exactly what they had been saying the Government should do – attack the Golden Temple;
3. To test the efficacy of a third Intelligence Agency camouflaged by a blundering RAW and an inefficient IB.

According to these senior officers, three things prove the total involvement of the Government and its Intelligence network in the Punjab operation –

1. All senior intelligence officers serving in the Punjab, Rajasthan and Jammu and Kashmir sectors during the Akali agitation have either been promoted, recommended for a police medal or sent abroad;
2. Most of the arms that were found in the Golden Temple were smuggled into the country through Rajasthan under the actual supervision and/or connivance of RAW officers;
3. S.K. Tripathy, the RAW man incharge of Amritsar from mid-1982 to May 3, 1984 had sent a coded telegram to Delhi with details of an impending attack on more than 40 railway stations in Punjab – and the Government chose to do nothing about it.

Indeed the Third Agency was formed only to aid the Congress (I) in its election campaign. That was the initial objective. However, because of the alarming number of security leaks in RAW, increasingly the Third Agency started taking over the responsibility of intelligence operations.

R. Shankaran Nair's (Director, PM's Secretariat) brainchild, the Third Agency has now been functioning under R.N. Kao, Chief Security Adviser to the Prime Minister, for well over 18 months. Finding that RAW and the IB had become too cumbersome and overtly receptive to IPS dictates, N.F. Santook, the ex-chief of RAW, R.N. Kao and G.C. Saxena, the present chief of RAW, with professional help from the intelligence agency of a country we do not have diplomatic relations with, formed a new organisation.

The new Agency was given the innocuous title of "Cabinet Secretariat (Security)."

The office of the Third Agency is located at Bikaner House, Shahjahan Road, in Delhi. G.S. Mishra, an ex-RAW man, was recalled from hibernation to head the political desk. In actual fact, Mishra is coordinating the Jammu and Kashmir, Punjab and Rajasthan operations at the second level of command. With him is Colonel B. Longer, who had headed the political branch of the Prime Minister's Intelligence Wing, during the Emergency. However, when the Janata swept into power in 1977, Longer was eased out. In 1980, on Mrs. Gandhi's triumphant return, Longer was reinstated as overall incharge of political field operations.

An expert in political outmanoeuvring and assassination, Longer was in his element during the Punjab crisis. It is reported that it was Longer who had analysed the overall political effects of an invasion of the Golden Temple. It was Longer who had reported that the political climate in the country after the Army action, favoured the Congress (I). And it was Longer who had advised Kao and Saxena on the timing of the action *vis-a-vis* the General Elections.

Longer's selection of men for the Punjab operation was masterly: men who looked like incompetent fools, but were masters of the intelligence game; men, who would maintain a totally low profile even when the Government, the ruling party and the national opposition made hysterical attacks on the failure of intelligence in Punjab. Only P.S. Bhinder, former Director General of Police in Punjab, had given the game away when he had said that intelligence and the police had not failed in Punjab. And indeed it had not.

For this was the testing ground for the Third Agency. What with S.K. Chaturvedi, a former schoolmate of R.N. Kao, having taken over as Chief of the Economic Division in the Third Agency and Raksha Ramchandran, Under Secretary (RAW), having been inducted as Senior Analyst, it was very important to prove the efficiency of the new Agency as the most capable intelligence-gathering organisation and the most effectively equipped unit for carrying out clandestine

operations on such a large scale. H.J. Kripalani who has also served as a bodyguard of Kao, has taken over as Senior Consultant. Kripalani, an expert in planning assassinations is incharge of the overall gunrunning and clandestine operations. And Ratnakar Rao, an ex-RAW man, was recalled into active service for overall co-ordination and supervision.

The men in the Third Agency were especially recruited from RAW and other agencies, to work under the direct supervision of the Prime Minister through the Chief Security Adviser, R.N. Kao. And work they did – and brilliantly well.

Responsibility of smuggling Arms from Across the Border

Indeed, Senior Field Officer (RAW) in Nachna, Prabhu Dayal Singh, was probably the man responsible for the maximum inflow of arms into Indian territory. His activities were directed at liaisoning between the Sikh landlords in and around Nachna, and the terrorist link-up in Yamuna Nagar in Haryana. And the Chief of CIS had allowed him to remain in control of virtually the whole of Rajasthan Clandestine Operations Wing.

P.D. Singh had established a clandestine network – clandestine even where RAW was concerned – of agents from Nachna across Jodhpur and Ganganagar to Jaisalmer. The line of control extended through Yamuna Nagar in Haryana to Amritsar in Punjab. The Sindhi and Multani tribes from the other side were virtually in P.D. Singh's control. The liquor and narcotics trade was fetching enough guns from the Afghan *mujahedin* to equip in Army. And what is more, all the arms were meant for an Army: the Army of Bhindranwale.

And Prabhu Dayal Singh's appointment had been personally made by Santook, before he had handed over charge to G.C. Saxena. But then it wasn't exactly a one-man show that P.D. Singh was running. The ground work for the smuggling network for bringing in arms had been laid by Rabindra Ohri, Assistant Director in RAW. He had been incharge of the Rajasthan sector from 1980 to mid-1981. The Congress (I) had just come to power, and the roots of the Akali agitation were being laid. It was at that time that Sikh landlords in the area, who were involved in smuggling anyway, were indentified. Ohri made contact with them and established the initial line of communication. For this he was rewarded with a posting to Sri Lanka.

U.N.B. Rao, Assistant Director (RAW), replaced Ohri and became P.D. Singh's control. Rao's activities included co-ordinating P.D. Singh's link-up with the smugglers and Bhindranwale activists. It was during Rao's time that P.D. Singh acquired his fleet of imported cars. A man of sophisticated tastes, Singh also acquired property in Jodhpur

and Delhi. Not that he was planning to stay in any of these places. For he knew he was meant for higher things.

U.N.B. Rao was commended for the brilliant work he had done in strengthening the intelligence network in Rajasthan, Haryana and Punjab. A special recommendation sent him to Manila, where he remains attached to the Indian Embassy, incharge of Indian intelligence interests.

R. Gupta, Assistant Director (RAW), came in as overall controller of Rajasthan operations, in 1982. Stationed in Jodhpur, he supervised the successful completion of the arms induction operation till December 1983. P.D. Singh remained the executor of all orders that came in from Delhi or Srinagar. Amongst other things, Gupta was also responsible for the successful implantation of five Indian agents in the Pakistan Armoured Division. A brilliant operator, Gupta was recommended for the Police Medal and is now being trained to be sent abroad, perhaps to Brussels.

That the intelligence operation had succeeded brilliantly, as illustrated when in January this year, a Pakistani agent code name 'maqsud' crossed over the border into India and turned double agent. It is reported that all the plans of the Pakistani computerized surveillance network, code-named 'JISS', were handed over to Indian intelligence.

In the meanwhile P.D. Singh was replaced. When Amitabh Mathur, Assistant Director (RAW) went to take charge, P.D. refused to hand over his contacts. A puzzled Mathur contacted Delhi. Gary Saxena, the RAW Chief, told him to stay put, and work only on the basis of what P.D. Singh told him - which was virtually nothing. In the meanwhile P.D. Singh was served with compulsory retirement orders. In February this year, Prabhu Dayal Singh disappeared. Actually, he is on special assignment to the Third Agency.

J.P. Sharma, Joint Director and incharge of all operations in the area, has been recommended for a Police medal. The 'operations' having succeeded well beyond the expectations of even the government, Sharma is also being considered for a special assignment to Pakistan.

R.J. Khurana, Deputy Director and incharge of the Punjab desk (operations), disappeared from the scene in January this year. He is in Europe. His mission: surveillance and data collection on terrorist groups opposed to India.

A. Arjunan, IPS, and incharge of Counter Intelligence and Security (CIS), was incharge of Punjab and Jammu and Kashmir (CIS) and information gathering. Arjunan has now been re-assigned to the Third Agency.

R.K. Hooda, Deputy Director (RAW), was incharge of Srinagar from mid-1980 till the end of 1983. Hooda is said to have actually attended *gurmat* training camps held in Jammu and Kashmir, and sent in two detailed reports on the same. Hooda has been reassigned to the Third Agency and sent to Tokyo on special assignment to the Science and Technology Wing under R.Santhanam. His mission is to collect industrial information.

Vikaram Sood, Deputy Director (RAW) replaced Hooda as incharge of Srinagar. A former Indian Postal Service official, Sood was mainly responsible for supplying information not only on the terrorist activity in J and K but also for working in collabortion with the Intelligence Bureau to install G.M. Shah in the Chief Minister's post. Sood remains in Srinagar, but only as incharge of J and K. The Amritsar control has now gone to Bikaner House in New Delhi.

A.I. Vasavada was incharge of Amritsar till mid-1982. The man responsible for the mayhem that was unleashed after Bhindranwale's arrest at Chowk Mehta. Vasavada was rewarded with a foreign posting. Today he is in Kuwait. Though he still remains in RAW, most of the information being sent back by him is being re-routed to the Third Agency.

S.K. Tripathy took over from Vasavada in mid-1982. Even as he took over, he was identified as an intelligence man. Yet, Tripathy could make trips into the Golden Temple with impunity. Indeed when eight Hindus were murdered by terrorists in Gurdaspur in February, Tripathy was there almost within three hours of the massacre. Said to have been close to Bhindranwale's military adviser Shahbeg Singh, Tripathy's role in the simultaneous attack on 47 railway stations in April this year was highly suspect. Tripathy's constant visit to the Golden Temple, and his camping in the *Langar* building for three days just a week before the attack, almost, but almost, ensured that the attack was successful. For when two truck loads of ammunition were intercepted by the Punjab Police at Batala, Tripathy was mainly responsible for having them released via Bhinder and sent along safely to the Golden Temple.

By the end of April, Tripathy's mission had come to an end. And what a mission it was. Sanjay Tripathy had executed Delhi's orders with such efficiency that not only the foreign intelligence agencies, but even our very own RAW officers, were caught on the wrong foot. The fact of the matter was that every intelligence official serving in Punjab had been specially recruited via the Third Agency. And RAW itself did not know too much of what was going on.

Like the rest of the country most of the RAW personnel actually believed that Bhindranwale was being controlled by foreign powers and that the Intelligence network had not lived up to expectations.

But when Sanjay Tripathy sent in a coded cable to Delhi on March 29, about the impending attack on 47 railway stations throughout Punjab, and the attacks actually took place -- the Intelligence chiefs had clearly shown their hand. So it was imperative that the operative in Amritsar should not be one who could be recognized by arrested terrorists after the Army action. Therefore on May 3, 1984, S. K. Tripathy was recalled to Delhi. And in appreciation of the good work that he had done in Punjab, Tripathy is now being trained for a foreign posting.

Rakesh Mittal, who is presently incharge of Amritsar, took over from Tripathy on May 15, 1984. Mittal's only job has been to sit in his office and mope. His work after all, is being done for him by the Army. And as such, his experience in intelligence work consists only of conducting department inquiries against 14 RAW employees. Not that he needs it. For, after the formation of the Third Agency, RAW, itself, is being slowly divested of its responsibilities.

R.N. Kao has been running the show for almost two years now. With Santook having been deputed to Punjab to revamp the administration, and Iqbal Singh, a former Deputy Director (RAW), having been specially assigned by Rao to tone up the State police, things obviously look pretty bad for RAW.

For the whole Punjab operation was initiated, conducted and concluded by the Third Agency. The Prime Minister's full connivance in the rise of the Bhindranwale phenomenon till the destruction of the Akal Takht was imperative to its success. That it was successful is illustrated by the manner in which Mrs. Gandhi has regained confidence. Hardly had people recovered from the shock of the Army action in Punjab when the Jammu and Kashmir government was dismissed. Only three days after Dr. Farooq's dismissal that ridiculous hijacking took place. And then N.T. Rama Rao was pole-axed even as he returned from a major heart operation.

The man responsible for the axe-N.T.R. operation was N. Narasimhan. An Assistant Director (RAW), he was given the charge of toppling both the Karnataka and Andhra governments – whichever succeeded first. He was awarded with a special posting to Washington, in the first week of August.

For, Narasimhan's job had been only to do the spadework – which he did admirably well. The actual toppling was to be conducted by RAW political agents controlled by the Third Agency.

Narasimhan's departure for Washington to team up with A. K. Verma, Deputy Director (RAW), illustrates clearly the prominent part the coming General Elections have played in the Third Agency's operations. For Verma's greatest asset has been his phenomenal talent for generating finance. And with Narasimhan with him, the Verma-Narasimhan combine in Washington is aiming to make the Congress (I) in India virtually invincible.

Indeed, when R. Govindrajan, Jt. Secretary (RAW), was posted to London, his main job, apart from a thorough analysis of terrorist groups opposed to India, was to see to it that the channels of finance to India and the ruling party were kept open. What with Khalistan leaders Jagjit Singh Chauhan and Ganga Singh Dhillon operating from London, and the Jammu and Kashmir Liberation Front ganging up with them. London could well have become an extension of Amritsar – at least as far as Southall went. But then Govindrajan was there. G.S. Dhillon had met him in April in Geneva. A private deal was worked out with Kao actually flying in from Delhi. But even as Kao came back, Tripathy's warning over the impending attack on railway stations came true. The deal of a private settlement with Bhindranwale and company *via* Dhillon was off. Tripathy came out of Punjab and the Army went in. The Congress (I) thereby sought to establish its stranglehold over the northern Indian Hindu vote bank. The investment was a ruined Akal Takht. The prize: unlimited power for Mrs. Gandhi. The ruins had been planned for right from the time the first AK-47 got smuggled across the border through Sri Ganganagar to Amritsar. When the Jodhpur control sent in a report about Dula Ram, a Congress (I) M.L.A. and Rajasthan Minister for Social Welfare, being involved in gun-running, the Ganganagar office was asked to take control of the operation. Dula Ram escaped arrest and prosecution only because the Third Agency needed his operation. D.P. Bairwa, another M.L.A. of the Congress (I) was also named in a RAW report as running a gun-running operation. But RAW was told to keep its hands off. So Dula Ram and Bairwa got their lakhs of rupees, the terrorists got their guns, the Third Agency got the go-ahead for expansion from the government and the Congress (I) expanded its vote bank.

— Extracted from *Surya*, Sept. 1984

Appendix-35

Raw's Hand in Punjab

BSF Charges RAW With Smuggling Guns In Punjab

The tiff between the Border Security Force (BSF) and the Research and Analysis Wing (RAW) personnel stationed in Punjab has taken a queer turn. According to highly reliable sources in the BSF headquarters, some of the sophisticated arms and ammunition, including AK-47 assault rifles, used by terrorists in Punjab are, in fact, smuggled from Pakistan by persons engaged by the RAW for trans-border work.

On 13 April this year, the BSF arrested 5 persons working for the RAW, known as special bureau in the State, on the suspicion that they may have been compromised by Pakistani field intelligence to their advantage. During interrogation, it was found that they had not only been working for the other side but had also been gun-running across the border.

The damning evidence was obtained at the Joint Interrogation Centre (JIC) at Amritsar, where the leader of the 5 member group, Salim Masih, confessed to their crimes. Masih stated that he had been working for the Dera Baba Nanak detachment of the RAW since May 1986, and had made about 2 dozen trips across the border starting in January 1988.

Masih came in contact with a Pakistani arms smuggler, Imanant, after which he became a double agent, combining the multiple role of gathering intelligence for both Pakistani field intelligence and the RAW, besides gun-running for arms smugglers and terrorists. His schedule of crossing the border was like this:

- * 2 trips for arms smugglers during January-February 1988, when he brought 15,000 rounds of ammunition of different calibres.
- * Between February and May 1988, he was sent across by the RAW a number of times. In return, he was allowed to smuggle in cloth.

* Crossing the border in the first week of November for arms smuggling and bringing back 12 AK-47 rifles and 3,000 rounds of ammunition. The arms were passed on to one Buta Singh of Jaandeh village (Dera Baba Nanak area).

* A trip across in the last week of November 1988, to help arms smugglers, again bringing another consignment of 12 AK-47 rifles and 3,000 rounds of ammunition. The arms were passed on to one Jasbir Singh of the Majitha area.

* 3 trips on behalf of the RAW in December 1988.

* 2 trips in January 1989, at the bidding of the RAW.

* Again a trip in March 1989, to work for the RAW.

Arrested in April, while crossing over along with 4 others.

About 16 June, the Inspector-General (Intelligence), Punjab, wrote to the Deputy Commissioner, RAW, at Chandigarh, about the findings of the interrogation. The Punjab Government has yet to receive a reply. Meanwhile, 2 others of the same group, Buta Singh and Jasbir Singh, alleged arms smugglers are still being interrogated, it is learnt.

Says Parkash Singh, the IG, BSF, "Some of the persons are not only working as double agents but are, in fact, working for many agencies. We have decided to tighten control over the operations of the agents and they will not be allowed the latitude given earlier."

He added, "On their return they would have to report back to their handlers." He, however, denied knowledge of the connections of Salim Masih's group.

There is no evidence that the RAW detachment, for whom they worked, were in the know of the activities of Masih and the others. Adds another BSF official, "Since they enjoyed the agency's patronage, the RAW officials cannot be absolved of responsibility."

It is also clear that the accused were engaged by the RAW without any verification of their antecedents.

Masih has been a smuggler since 1983. By August 1983, he had made at least 5 trips to feed the Pakistani field intelligence. After the *Operation Bluestar* he took at least 8 serving Army personnel to Pakistan.

Says an intelligence official, "Agencies engaged in trans-border intelligence are vying with one another and often use the same persons."

One report concerns 24 packets of heroin recovered on the border by the BSF on 21 December last year. It is alleged that the item was left behind by smugglers to enable the conniving BSF officials to claim the reward, admissible under rules, equivalent to the value of 10% of the seized goods.

The BSF officials, however, say that their inquiries have found no truth in the allegation. They charge other agencies with trying to denigrate the BSF since it had exposed their activities.

The BSF officials say that, last year, the BSF had busted a gang of spies led by Balwinder Singh, who worked for the Punjab CID but who had been won over by the Pakistani intelligence. Balwinder was alleged to have helped 3 known terrorists smuggle in weapons.

Even though he had been supplying routine information, the Punjab police complains that his arrest had resulted in a drying-up of information.

However, some of the allegations against the BSF personnel have been proved correct. Recently, an assistant commandant and at least 3 others were charged with conniving with smugglers and accepting gratification from them in the Khem Karan sector.

They were indicted by a court of inquiry and were posted over to the Jammu frontier for trial by a general security force court.

An assistant commandant, P. Ethiraj, was dismissed 3 years ago. A head constable, Balbir Singh, was given one year's imprisonment for allowing safe passage to smugglers and accepting money from them in the Daoke border observation post area of Punjab.

Last year, a BSF commandant, Jagtar Singh, posted in the Sri Ganganagar area of Rajasthan, was retired compulsorily for allegedly maintaining unauthorised liaison with his Pakistani counterpart.

The Punjab officials feel that the information gleaned from the persons arrested by the border range of the Punjab police indicates connivance at the lower levels of the BSF in several cases. "We keep sending to the BSF extracts of interrogation indicating this," says an official. How else could a person cross over 200 times as in the case of a Pakistani national, Mohammed Rafiq alias Bhundi alias Karamat Ali of Moboke (district Kasur), arrested on 23 January 1989? He wonders.

The Punjab police officials feel that the borders with Ratoke and Gaijal in the Khem Karan sector and Basti Ram Lal and Basti Daulat Ram in the Ferozepur sector, adjoining the river, are still very porous.

Asked about the incidents of connivance, the BSF IG Parkash Singh, however, said that the strength of the BSF deployed on the 553 kilometres of the Punjab border had been increased to 24 battalions from less than 14 in 1987. The incidents of connivance were the lowest ever and did not involve even 1% of the whole force.

"Since in Punjab the security of the nation is involved, no mercy is being shown to those hobnobbing with smugglers on the border or elsewhere," he says.

But all agree that most of the arms used by the "hit squads" were provided by the RAW at the behest of the Central Government. There is a consensus among all security personnel that it is difficult to say how many people were killed by the terrorists and how many were gunned down by the "hit squad". There lies the rub of the Punjab problem.

Appendix-36

Khushwant Singh's Speech on Fake Police Encounters

Punjab Explosive Situation and its Responsibility

S. Khushwant Singh, M.P. once again in Rajya Sabha on 28th April raps the Government for Present situation in Punjab

I would crave your indulgence for being somewhat emotional on the subject because this does concern me primarily as a Sikh, a Punjabi and an Indian. Or perhaps, I should put it the other way round: It concerns me primarily as an Indian, then as a Punjabi and as a Sikh. I will try to give as objective a picture as I can of the Punjab situation as it existed yesterday and the way it has developed today.

I will try at the same time, to draw your attention to where we have gone wrong in handling this issue and suggests some methods by which we can rectify this situation. The situation yesterday, and by that I mean a year ago, was that we were under the impression that the Akalis did not enjoy support of the Sikh community, that the *morcha* that they had launched would peter out in a short while. We had also assumed that the Dal Khalsa and the so-called National Council of Khalistan only consisted of the lunatic fringe and they would be brought to heel in a very short time.

It is quite obvious that we were wrong on both these counts. The Akalis have been able to mount a *morcha* and send a lakh of people to jail and it seems that they have the capacity to continue this *morcha* indefinitely. We were also wrong in assuming that we could control the Dal Khalsa and the extremist element. They have now not only continued to take the toll of life but they have also raided the armouries and got more arms in their hands.

The movement has expanded. That was evident from the *Rasta Roko morcha*. It was not restricted to the Akalis but at their request, or at their bullying, entire villages turned out to block roads and included Hindus as well as Muslims. You will see that in the Punjabi papers. This really assumed a very serious proportion.

What action has the Government taken to meet this situation?

You have outlawed the Dal Khalsa and the National Council of Khalistan. I support and welcome this move. It should have been done even earlier. But let us not get excited about threats to life. I have been on their "hit list" for over one year and I am here in good health standing before you. They are bluffers and bullies. Mr. Rameshwar Singh was so excited about the list of people they intend to kill. We need not take this too seriously.

The more distressing thing is that the dialogue between you and the Akalis has gone on for seven or eight long months, with people shuttling between Delhi and Amritsar. Sardar Swaran Singh, the Prince of Patiala and various other people have been named as intermediaries. While the issues have been narrowed down and practically nothing remains to be settled, discussions go on endlessly. I have yet to understand, or I am perhaps too simple-minded to understand, what exactly you are discussing and what exactly are the remaining obstacles. Why can't you get together in a room and settle them in a few hours. As Advaniji suggested, and he has been privy to these discussions, there is very little now to hold you back.

Some other people have mentioned and I would like to enforce this point that by announcing your decisions not to the people you are negotiating with but to others was politically a wrong move and counter-productive. It showed lack of courtesy to the people with whom you were dealing. You are paying the price for it. It hurt them. They resented it and hardened their attitude towards you. It was totally unnecessary. You could have summoned them and said, "we concede these demands", which were in any event of very little consequence.

Now, I come to the situation as it exist today. Syed Shahabuddin has quite right pointed out, there has been bungling by the State Government in handling this issue. It seems quite obvious to all of us that either they are unwilling to handle this issue or they are unable to do so. I do not think that the State Government is entirely to blame. The Central Government should take it share of the blame. You have monopolised political dealings with the Akali Party and left the State Government no option to deal with them except with the *danda*. The only function of the Darbara Singh's Government is

to wield the *danda*, and you know that *danda* does not yield the dividends with any people and particularly when you are dealing with a people like the Sikhs. If you had given him a little more leeway and Mr. Darbara Singh had been brought into the discussions, I am sure his status would have risen. As it is, we have a very clean Chief Minister but of doubtful ability as an administrator. He is totally lacking in the charisma and qualities of leadership and in addition you are depriving him of power to negotiate.

You have really put him in a very invidious situation. You saw what happened on the aftermath of the *rasta roko* agitation. A judicial inquiry was promised. Today it is exactly 20 days or more, no such judicial inquiry has been started.

Why?

I come to the last and the most serious incident – the murder of Atwal. It was an act of sacrilege outside the premises of the Golden Temple. We are not still quite sure whether the shots were fired from within the Temple or the culprit went into the temple or outside into a bazar. This act has been condemned by everyone, including Sant Longowal and even Bhindranwale. I mention this specifically for this reason that unfortunately this gallant officer's name was linked with the so-called encounters in which many people have lost their lives; he was a marked man by Dal Khalsa.

You must know what the Amnesty International has had to say about encounters in this country. "*They are faked and are, in fact, murders. The police organise them to liquidate, people whom they do not like.* If this unfortunate officer's name was linked with such encounters in the popular mind, it was obvious he was a marked man.

I mention this specifically and other incidents that have taken place giving rise to the complaint that the Golden Temple has become the sanctuary for criminals. We do not have any specific evidence that this is so. It is, Mr. Home Minister, your word and your Government's word against the word of the Akali leaders, they deny that there are criminals, getting sanctuary in these temples. I know you are an honourable man. I also know they are also honourable men. I have no reason to disturb them.

I emphasize this point because I suspect you are trying to create a situation to provide justification for the police to enter the Golden Temple. I am with all the other members that no place of worship has any right to harbour criminals, and if it is Golden Temple, it cannot be made an exception. But as a statesman, it is your duty to realize the volatile situation that exists in Punjab. For God's sake, if

you want to send police, don't do it at this time. I know you are a wise man. I am sure you know whatever the rights or wrongs of the situation, it will lead to a blood-bath in the Punjab.

Finally and with due humility, not being a politician, I would suggest a few steps that might be taken. It is evident that Punjab Government is unable to control the situation, and, I have said, I don't blame the Punjab Government entirely, I think you have to share that blame.

Don't you think it is time to abolish that Government and declare President's rule now?

Don't you think it is time that you enter into negotiations with the Akali party, the only party which speaks for the vast majority of Sikhs?

You have no option but to deal with Akalis. It would be an act of statemanship and wisdom to enter into some kind of negotiation with them. Either you will do it or these people in the Opposition will do it. If the Akalis are not allowed to share power in Punjab, there will be no peace. I can warn you about it.

Finally, when you have to tackle a thorny problem, you must not tinker with it. It is time that you grasp boldly with a firm hand; otherwise the lessons are quite clear. Today the blood letting is confined to Punjab. If you don't come to settlement soon, it will not remain restricted to the Punjab. There will be a reaction elsewhere. There is bound to be. If innocent people are killed in Punjab, innocent people are bound to be killed in Delhi, Haryana and elsewhere. Once that happens, Mr. Home Minister, we will have history repeated. What happened in 1946 and 1947 will happen again. Neither you nor I want that. A handful of thugs will indulge in killings on that side; another handful go on killing on this side, leading to movement and exchange of populations. God forbid if it ever takes place. It is time for you to act now.

Appendix-37

Ladha Kothi Torture Cell

Report of Shri T.S. Cheema, Distt. and Sessions Judge, Patiala on Torture

His Lordship Mr. Justice S.S. Sodhi, Vigilance Judge, Sessions Division, Patiala, during his visit to Central Jail, Patiala and Nabha also met the detenues of the National Security Act lodged in these jails who complained to him that detenues from Nabha jail were taken in batches to Ladha Kothi (Sangrur district) jail and were subjected to all kinds of torture. He directed the undersigned to enquire into the allegations of torture after visiting the jails at Patiala and Nabha and if necessary, to visit the jail at Ladha Kothi.

2. Under the aforesaid direction, I visited Central Jail at Nabha on January 23, 1985, where I met the Deputy Superintendent of Jail, Mr. Gurdarshan Singh Gill who on my asking supplied the necessary data with regard to detenues lodged at Nabha Jail who from time to time had been taken to Ladha Kothi.

To find out the details of the alleged torture I recorded the statements of detenues individually who has recently returned from Ladha Kothi. Names of the detenues examined by me are under:

1. Nirmal Singh, c/o Mr. Kashmira Singh, resident of Khabbe Rajpura in Amritsar district
2. Jarnail Singh, s/o Mr. Ranga Singh of Bool Village in Kapurthala district.
3. Iqbal Singh, s/o Kulwant Singh of Muktsar.
4. Mr. Gurmit Singh, s/o Mr. Gurbax Singh, resident of Rasulri Najra village in Ludhiana district.
5. Makhan Singh of Hoshiarpur.
6. Mohan Lal *alias* Mohan Singh a resident of Salon village in Jallundur district.

All of them except Gurmit Singh have given almost same details with regards to their interrogation at Ladha Kothi and the third

degree methods to which they were subjected. Gurmit Singh during his stay at Ladha Kothi suffered colic pains. In the beginning the interrogators took him to be a maligner and when after abusing and thrashing him they got convinced that he was really having acute pain they spared him of the torture which others had to undergo.

Their statements reveal two common modes of torture – one is the use of an extra-thick pestle, like mini log, which is placed on the thighs of the detenues with one person or two persons standing on it. The detenue is made to lie on the floor prostrate or supine. The pestle with load thereon is then rotated on the thighs. If the position is prostrate then the lower log is bent over the pestle and pressed against it. Surface of the pestle being smooth and wrapped in a cloth does not cause any outward injury on the thigh.

The second mode of torture which is described to be more painful consists of stretching the legs open to the unbearable extent. The detenue is made to sit on a plain surface with one person supporting his back with his knees and pulling his long hair backwards. The legs are held at the ankle level by different persons and pulled apart. The legs on reaching a particular angle cause acute pain which on persistence results into swooning.

The detenues at Ladha Kothi are not accorded the treatment due to them. They are locked up in individual cells and are kept in solitary confinement all the 24 hours except for the period when they are subjected to interrogation and torture. They are served food in the cells and are also required to make water and ease themselves within the cell.

The aforesaid detenues disclosed that two of their comrades who were taken to Ladha Kothi had not been returned to Nabha Jail as they had been excessively tortured and they were kept there for convalescing. On their information I paid a visit to Ladha Kothi on 28.1.1985 where I met Mr. Karan Singh, Superintendent of Police who had been designated as Superintendent of Jail. He disclosed that all the designated of last batch from Nabha Jail received at Ladha Kothi had been sent back on 24.1.1985. He produced copy of DDR-7 of 24.1.1985 showing the return of detenues to Nabha Jail Superintendent of Police. Superintendent of Jail at my request took me round the premises of the jail. The portion of the premises where the cells in which the detenues are confined are located are in the shape of barrack with a narrow compound on its front and the compound having a very high wall to screen it.

In the cells there are no cots. In some cells utensils consisting of mugs and enamelled plates were lying. In one corner of each cell

there was place meant for urinating and easing out. Cells are stinking. The entrance gate to this portion of the premises is guarded by the personnel of CRPF. Even the keys for opening the lock placed on the entrance door were in their custody.

Superintendent Jail informed me that there was no regular doctor at Ladha Kothi. On his move a doctor of a rural dispensary of a nearby village was deputed to visit Ladha Kothi once in a day. But he had no provision for medicines for the inmates of Ladha Kothi. After going ground the premises of Ladha Kothi I got the impression that it was just an interrogation centre and it possessed least trappings of a Central Jail. There seems no justification for shifting small batches of detenues from Nabha Jail to Ladha Kothi. The detenues stated that their shifting from Nabha Jail to Ladha Kothi was only a camouflage for taking them out from Nabha Jail and to bypass the requirement of law to produce them before a Judicial magistrate for being remanded to police custody for their interrogation in some new case.

As the detenues whom I had examined at Nabha Jail stated that two of them who had been excessively tortured were still at Ladha Kothi and as I planned a visit to the latter place and when I could not find them there I decided to visit Nabha Jail once more. Accordingly from Ladha Kothi straight I went to Nabha Jail and found the information given by Mr. Karan Singh Superintendent of Jail as correct. I then individually met Palvinder Singh, s/o Mr. Jangir Singh, a resident of Amritsar district and Parminder Singh s/o Shri Giani Dalip Singh of Amritsar and I recorded their statements they gave out the details of the torture meted out to them which were similar to once given by the other detenues.

In their case torture was repeated and the result was that their groins became pulpy and painful to such an extent that they could not properly walk and as such they were kept back at Ladha Kothi so that their bodies could return to normalcy.

At Ladha Kothi the detenues at no point of time are allowed to meet or converse with each other. They are not provided with any newspaper nor any other facility which are available to them at Nabha Jail.

*T.S. Cheema
District and Sessions Judge,
Patiala*

INDIA'S ACCESSION TO THE HUMAN RIGHTS COVENANTS

APPENDIX IV INSTRUMENT OF ACCESSION BY INDIA TO THE HUMAN RIGHTS COVENANTS

Whereas the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted by the General Assembly of the United Nations in Resolution 2200(XXI) of 16th December 1966, which Covenants are reproduced in the Annexure to this Document;

And Whereas it is fit and expedient to accede to the aforesaid Covenants subject to the following Declarations:

Declarations

- (i) With reference to Article 1 of the International Covenant on Economic, Social and Cultural Rights and Article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the rights of self-determination' appearing in those Articles apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people of nation — which is the essence of national integrity.
- (ii) With reference to Article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the Article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of Article 22 of the Constitution of India. Further under the Indian Legal System there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.
- (iii) With respect to Article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.
- (iv) With reference to Articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and

Articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the provisions of the said Articles shall be so applied as to be in conformity with the provisions of Article 19 of the Constitution of India.

- (v) With reference to Article 7(c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares, that the provisions of the said Article shall be so applied as to be in conformity with the provisions of Article 16 (4) of the Constitution of India.

Now, therefore, be it known that the Government of the Republic of India, having seen and considered the said Covenants, do hereby Accede to the same, subject to the afore-mentioned Declarations.

In testimony whereof I, Neelam Sanjiva Reddy, President of India, have signed these Presents and affixed here unto my Seal at New Delhi this the Sixth day of Chaitra of the Saka year one thousand nine hundred and one corresponding to the twenty-seventh day of March of the year one thousand nine hundred and seventy nine A.D. in the Thirtieth year of the Republic of India.

Sd/- (NEELAM SANJIVA REDDY)
(President of India)

U.N.O.'S DECLARATION AGAINST TORTURE

United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1975)

ARTICLE 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from,

inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

ARTICLE 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offense to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

ARTICLE 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

ARTICLE 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

ARTICLE 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

ARTICLE 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

ARTICLE 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

ARTICLE 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

ARTICLE 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

ARTICLE 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

ARTICLE 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

ARTICLE 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

Appendix-38

Covenant on Economic, Social and Cultural Rights

International Covenant on Economic, Social and Cultural rights, 1986

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Recognizing that these rights derive from the inherent dignity of the human person.

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby every one may enjoy his economic, social and cultural rights, as well as his civil and political rights.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely, determine their political status and freely pursue

their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resource, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such

limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum with:
 - (i) Fair wages and equal remuneration for work of equal

- value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
 - (b) Safe and healthy working conditions;
 - (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
 - (d) Rest, leisure and reasonable limitations of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in

such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after child-birth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures,

including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

- (a) The provision for the reduction of the still-birth-rate and infant mortality and for the healthy development of the child;
- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;

- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher educations shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this Article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;

- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or as appropriate for information the reports concerning human rights submitted by States in accordance with Articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with Article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under Article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V**Article 26**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this Article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The Present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of the federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted

by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of notifications made under Article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under Article 26;
- (b) The date of the entry into force of any amendments under Article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in Article 26.

Appendix-39

U.N.O.'s Declaration on Independence

Declaration on the Granting of Independence to Colonial Countries and Peoples*

THE GENERAL ASSEMBLY

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom.

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence.

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace.

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories.

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic cooperation, impedes the

* G.A. Res. 1514 (XV) 14 December, 1960

social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace.

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and that, in order to avoid serious crises, and end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence.

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations:

And to this end

Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of World peace and co-operation.

2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible

with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

Appendix-40

U.N.O.'s Declaration on Self-Determination of Peoples

Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations*

THE PRINCIPLE OF EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right freely to determine, without external interference their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, the realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle in order:

- (a) To promote friendly relations and co-operation among States; and
- (b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter of the United Nations.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

* G.A. Res. 2625 (XXV).

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against and resistance to such forcible action in pursuit of the exercise of their right to self-determination such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter of the United Nations.

The territory of a colony or other non-self-governing territory has, under the Charter of the United Nations a status separate and distinct from the territory of the State administering it and such separate and distinct status under the Charter shall exist until the people of the colony or non-self-governing territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

2. Declares that:

In their interpretation and application the above principles are inter-related and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter taking into account the elaboration of these rights in this Declaration.

3. Declares further that:

The principles of the Charter which are embodied in this

Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of their strict observance.

Appendix-41

**Covenant on Civil and
Political Rights**

**International Covenant on Civil and
Political Rights, 1966**

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term 'forced or compulsory labour' shall not include:

(i) Any work or service, not referred to in sub-

paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Any one who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Any one arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Any one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that Court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
- (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*order public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his

rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*order public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires of the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedures shall be such

as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall be heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights of reputations of others;
- (b) For the protection of national security or of public order (*order public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions

may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*order public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*order public*), the protection of public health or morals or the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. State Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or

birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in Article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate no more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with Article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in Article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with Article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with Article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall

submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with Article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that Article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rule of procedure.

3. The Committee shall normally meeting at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

- (a) within one year of the entry into force of the present Covenant for the States Parties concerned;
- (b) thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this Article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this Article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

- (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring

the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.
- (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be rule where the application of the remedies is unreasonably prolonged.
- (d) The Committee shall hold closed meetings when examining communications under this Article.
- (e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.
- (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b) to supply any relevant information.
- (g) The States Parties concerned, referred to in sub-paragraph (b) shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.
- (h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:
 - (i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of sub-paragraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this Article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with Article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement with three months on all or part of the composition of the Commission the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under Article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient

places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The Secretariat provided in accordance with Article 36 shall also service the Commissions appointed under this Article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned.

- (a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.
- (b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.
- (c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issue between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned.
- (d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this Article are without prejudice to the responsibilities of the Committee under Article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with Paragraph 9 of this Article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under Article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI**Article 48**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this Article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Appendix-42

Protocol on Civil and Political Rights

Optional Protocol to the International covenant on Civil and Political Rights, 1966

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in Part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of Article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication

under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of Article 3, the Committee shall bring any communications submitted to it under the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communication received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that

- (a) the same matter is not being examined under another procedure of international investigation or settlement;
- (b) the individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under Article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations

and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one-third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the

conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under Article 2 before the effective date of denunciation.

Article 13

Irrespective of the notification made under Article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in Article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Signature, ratifications and accessions under Article 8;
- (b) The date of the entry into force of the present Protocol under Article 9 and the date of the entry into force of any amendments under Article 11;
- (c) Denunciations under Article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in Article 48 of the Covenant.

Appendix-43

American Convention on Human Rights

American Convention on Human Rights (1969)*

PREAMBLE

The American states signatory to the present Convention,
Reaffirming their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, world-wide as well as regional in scope;

Reiterating that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic,

* Signed at Inter-American Specialised Conference on Human Rights, San Jose, Costa Rica.

social, and educational rights and resolved that an inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters, Have agreed upon the following:

Part I. State Obligations and Rights Protected

CHAPTER I. GENERAL OBLIGATIONS

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal Effects

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II. CIVIL AND POLITICAL RIGHTS

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgement rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall

not be extended to crimes to which it does not presently apply.

3. The death penalty shall not be re-established in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offences or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

3. Punishment shall not be extended to any person other than the criminal.

4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishment consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Article 6. Freedom from Slavery

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labor:

- (a) work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;
- (b) military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;
- (c) service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or
- (d) work or service that forms part of normal civic obligations.

Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.

2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.

4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.

5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for non-fulfilment of duties of support.

Article 8. Right to a Fair Trial

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proved according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees:

- a. the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;
- b. prior notification in detail to the accused of the charges against him;
- c. adequate time and means for the preparation of his defense;
- d. the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;
- e. the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;
- f. the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;
- g. the right not to be compelled to be a witness against himself or to plead guilty; and
- h. the right to appeal the judgement to a higher court.

3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.

4. An accused person acquitted by a non-appealable judgement shall not be subjected to a new trial for the same cause.

5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

Article 9. Freedom from *Ex-Post Facto Laws*

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

Article 10. Right to Compensation

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

Article 11. Right to Privacy

1. Everyone has the right to have his honor respected and his dignity recognized.
2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
3. Everyone has the right to the protection of the law against such interference or attacks.

Article 12. Freedom of Conscience and Religion

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.
2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.
4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

- a. respect for the rights or reputations of others; or
- b. the protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar illegal action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Article 14. Right of Reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

Article 15. Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedoms of others.

Article 16. Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 17. Rights of the Family

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of non-discrimination established in this Convention.

3. No marriage shall be entered into without free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 19. Rights of the Child

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

Article 20. Right to Nationality

1. Every person has the right to a nationality.
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.
3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

Article 21. Right to Property

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.

Article 22. Freedom of Movement and Residence

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.
2. Every person has the right to leave any country freely, including his own.
3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.

4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.

5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.

6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.

7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.

8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.

9. The collective expulsion of aliens is prohibited.

Article 23. Right to Participate in Government

1. Every citizen shall enjoy the following rights and opportunities:
 - a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
 - b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
 - c. to have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 25. Right to Judicial Protection

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

- a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
- b. to develop the possibilities of judicial remedy; and
- c. to ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 26. Progressive Development

The State Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV. SUSPENSION OF GUARANTEES, INTERPRETATION AND APPLICATION

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.

2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment),

Article 6 (Freedom from Slavery), Article 9 (Freedom from *Ex Post Facto Laws*), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.

3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

Article 28. Federal Clause

1. Where a State Party is constituted as a federal state, the national government of such State Party shall implement all the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfilment of this Convention.

3. Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

Article 29. Restrictions Regarding Interpretation

No provision of this Convention shall be interpreted as:

- (a) permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;
- (b) restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;
- (c) precluding other rights or guarantees that are inherent in

- the human personality or derived from representative democracy as a form of government; or
- (d) excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

Article 30. Scope of Restrictions

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

Article 31. Recognition of Other Rights

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V. PERSONAL RESPONSIBILITIES

Article 32. Relationship Between Duties and Rights

1. Every person has responsibilities to his family, his community, and mankind.
2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

Part II. Means of Protection

CHAPTER VI. COMPETENT ORGANS

Article 33

The following organs shall have competence with respect to matters relating to the fulfilment of the commitments made by the States Parties to this Convention:

- (a) the Inter-American Commission on Human Rights, referred to as "The Commission"; and
- (b) the Inter-American Court of Human Rights, referred to as "The Court".

CHAPTER VII. INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Section 1. Organization

Article 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

Article 35

The Commission shall represent all the member countries of the Organization of American States.

Article 36

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.
2. Each of those governments may propose up to three candidates, who may be national of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Appendix-44

United Nations Declaration on Human Rights

United Nations Universal Declaration on Human Rights (1948)

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard or achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this

Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and the security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled to full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and, necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education

shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1951)

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required:

Hereby agree as hereinafter provided.

Article I. The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III. The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article IV. Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V. The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article VI. Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII. Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII. Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article IX. Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X. The present Convention of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Index

- A.I.S.F.
 Banned, 94
- AKALIS
 Demands 206, 210
 Government Response, 212
 Meetings with Government, 290
- AKHAND MORCHA
 Launched, 76
- AMERICAN
 Convention on Human Rights, 382
- AMRIK SINGH BHAI
 Arrested, 73
 Released, 87
- AMRITSAR
 Holy city status, 91
 International airport, 66
 Martyrs, 193
- ANANDPUR RESOLUTION
 Common features, 22
 On foreign policy, 27
 Rajiv's criticism, 28
 Text of, 258
 Three versions, 21
- ARMY
 Recruitment, 33
- BAISAKHI
 Significance, 46
- BANGLA DESH
 As impetus, 20
- BANSI LAL
 Evicts Sikhs, 35
- BHAJAN LAL
 Complaint against, 311
- BHINDRANWALE SANT
 Arms licence cancelled, 65
 Bridegroom to marry death, 60
- Cell in bureaucracy, 67
Escapes from Chandu Kalan, 58
Messiah of militants, 78
Surrenders to police, 59
- BHUPINDER SINGH GIANI
 Reactivates Master Akali Dal, 16
- CENTRE-STATE RELATIONS
 Akalis demand, 218
 Srinagar declaration, 26, 249
- CHANDIGARH
 Areas, 11
 Haryana's case, 233
 Punjab's claim, 227
- CHOGM
 Longowal's letter to, 93
- COMMUNISTS
 Ferment agitation, 11
 On Punjabi Suba, 146
- CONSTITUTION
 Article 25(2) (b), 94, 221
- COW
 Heads found, 69, 92
- DAL KHALSA
 Banned, 70
 Formed, 45
- DARSHAN SINGH PHERUMAN
 Letter to P.M., 14
 Martyrdom, 13
 Testament, 14
- DHARM YUDH
 Abrupt end, 78
 Launched, 73
- EMERGENCY
 Sikhs oppose, 38
- EX-SERVICEMEN
 Convention, 78

- FAIR TRIAL**
Right to, 386
- FAZILKA-ABOHAR**
Government stand, 231
- FREEDOM**
of conscience, 387
of expression, 388
to wear Kirpan, 213
- GOLDEN TEMPLE**
Fortification, 95
Police entry, 139
Transmitter at, 213
- GREEN REVOLUTION**
Impact, 32
- GURDWARA ACT**
All India, 214
- HARYANA**
Areas, 10
- HAVAN KUNDS**
A disgrace, 13
- HIJACKING**
of Boeing, 74, 87
of plane, 61
- HINDU**
Jai Sangh, 92
Sikh Conflict, 133
- HOME MINISTER**
Statement, 275
- HUKUM SINGH**
Committee, 1
- IMMIGRATION**
Into Punjab, 34
- INDIA**
Accession to convents, 335
- INDIRA GANDHI**
Accepts some demands, 81
Award, 41, 65
Corrupt practices, 37
In Punjabi dress, 40
Talks with Akalis, 63
- INTELLECTUALS**
Conference, 79
- JAGAT NARAIN, LALA**
Murder case verdict, 87
Shot dead, 58
Sikh-baiter, 57
- Statement in court, 200
- JAGJIT SINGH, DR.**
Gets special visa, 68
- JUDICIAL PROTECTION**
Right to, 392
- KAMM ROKO**
Agitation, 88
- KAPURI**
Agitation, 69
- KHALISTAN**
Consulates, 93
Dollars, 58
Passports, 58
- KHUSHWANT SINGH**
Defaulter – Who? 305
On anti-Sikh riots, 309
On fake encounters, 328
On Punjab situation, 287
- LADHA KOTHI**
Torture cell, 322
- LAHORE RESOLUTION**
Terms of, 28
- LONGOWAL SANT**
Collusion with govt., 96
Invited for talks, 62
Letter to M.Ps., 86, 282
- LUDHIANA**
Akali Conference, 21
Resolution, 266
- MORARJI DESAI**
Opposed Punjabi Suba, 42
- NATIONAL COUNCIL OF KHALISTAN**
Declared unlawful, 281
- NIRANKARIS**
Chief assassinated, 54
Clash at Amritsar, 46-48
Clash at Delhi, 53
Clash at Kanpur, 52
Doctrines, 156
Enquiry report, 53, 181
Episode, 158
Founder, 156
Genesis of dispute, 56
Harbhajan Singh Yogi on, 189
History of, 154

- Hukamnama against, 51
 R.S.S. supports, 54
 Sammagam at Delhi, 197
 White paper on, 158
 Yield, 67
- PAKISTAN**
 War with, 17
- PATIALA**
 Riots, 85
- PERSONAL LIBERTY**
 Right to, 385
- POLITICAL RIGHTS**
 International protocol, 378
- PUNDRI**
 Police firing, 44
- PUNJAB**
 Disturbed area, 95
 Politics of Economics, 117
- RAJJAMANNAR COMMITTEE**
 Recommendations, 24
- RASTA ROKO**
 Agitation, 83
- RAW**
 Hand in Punjab, 324
- RIVER WATER**
 Dispute, 214
- R.S.S.**
 Resolutions on Punjab, 298-304
 Supports Nirankaris, 54
- SANT FATEH SINGH**
 Announces immolation, 14
 Breaks fast, 9
 Change in views, 12
 Speech, 151
- SARKARIA COMMISSION**
 Akalis memorandum, 268
 Appointed, 83
- SELF DETERMINATION**
 International covenant, 355
- S.G.P.C. RESOLTUTION**
 Against excesses, 142, 143
 Against helmet, 138
 Against recruitment policy, 145
 Against police entry, 139
 Against smoking, 140, 144
 Establish Punjabi Suba, 140
 For Gurdwara Act, 143
 For Sikh State, 139
- SHAH COMMISSION**
 Report, 10
 Sikh reaction to, 12
 Terms, 9
- SIKH**
 Crisis of leadership, 123
 Democracy, 126
 Distribution, 108
 Educational Conference, 90
 Marjeevrhas, 82, 84
 Outside Punjab, 111
 Political goal, 124
 Press, 128
 Renaissance, 32
 Tenets for army, 141
 Tenets for police, 139
- SIKH HOMELAND**
 As cover, 7
 Demands for, 89
 First martyr, 14
 Resolution for, 139
- SOHAN SINGH**
 Supports Khalistan, 90
- SRI LANKA**
 Constitution, 25
- SURINDER SINGH SODHI**
 Murdered, 95
- SWARAN SINGH**
 Reaches settlement, 64
 Special emissary, 76
 Supports Sikh State, 89
- S.Y.L. CANAL**
 Badal agreed, 43
- TERRITORIAL**
 Dispute, 216
- TOHRA, GURCHARAN SINGH**
 Meets governor, 96
- TORTURE**
 Rights against, 384
- TRIPARTITE TALKS**
 Akalis boycott, 81
 Akalis representatives, 79
 Deadlocked, 80

TERRORISM

Sociological Survey, 36

THIRD AGENCY

Super intelligence, 316

U.N.O.

Covenant on cultural rights, 340

Covenant on political rights, 355

Declaration on human rights, 396

Declaration on independence, 352

Declaration on self determination,
358

VENKATARAMIAH**COMMISSION**

Report, 245

YAMUNA NAGAR

Riots, 88, 93

ZAIL SINGH, GIANI

Elected President, 71

Resignation demanded, 81

529659



Call No. 954.07 529659

G. 979 H Acc. No.

v.2

P. U. L., CHANDIGARH

This book is due to the Library on
the date last marked below.

An overdue charge at rate of
50 P. per day will be levied after the
expiry of the due date.

DUE DATE

29 DEC 1993

18/1/97

- 1 FEB 2000

4077-804

f

P.U.P. (3712) - 20,000/3-3-91

Form 10



5 2 9 6 5 9

529659

PANJAB UNIVERSITY LIBRARY

Form 20

PANJAB UNIVERSITY LIBRARY
CHANDIGARH-160014

1. Books may be retained for a period not exceeding one month by Fellows, Members of the Faculties and Teachers of the University and local affiliated colleges and for not more than two weeks by other classes of members.
2. The loan is not renewable ordinarily. The books may, however, be renewed, if not in demand, at the discretion of the Librarian.
3. An overdue charge of 50 P. per volume per day will be realized for books kept beyond the due date. For books issued for overnight use the overdue charge will be Re. 1 per volume per hours.
4. The Librarian may recall any book at any time, if necessity arises.
5. Book lost or damaged will be paid for or replaced to the satisfaction of the Librarian. Readers and borrowers shall not write upon, damage, or mark, any book, periodical, map, or manuscript, nor shall they trace or reproduce any material belonging to the Library without the written permission of the Librarian. Infringement of this may mean the replacement of books.

*Please help to keep the book fresh
and clean.*

